

STATE OF VERMONT
AGENCY OF HUMAN SERVICES

P A T H

Department of Prevention, Assistance, Transition, and Health Access

BULLETIN NO. 00-32F

FROM Eileen I. Elliott, Commissioner
for the Secretary

DATE March 2, 2001

SUBJECTS Postsecondary Education Program for
Low-Income Parents.

CHANGES ADOPTED EFFECTIVE 4/18/01

INSTRUCTIONS

 Maintain Manual - See instructions below.

 X **Proposed Regulation - Retain bulletin
and attachments until you receive
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MANUAL REFERENCE(S)

 **Information or Instructions - Retain
until _____**

2400 - 2413

This bulletin proposes regulations for a new postsecondary education program for low-income parents, as authorized by 33 V.S.A. Section 1122. The postsecondary education program (PSE) was enacted as part of Act 147 (2000), An Act Relating to Assisting Families to Attain Self-Sufficiency. This new postsecondary education program (PSE) replaces the current Reach Up PSE program, set to expire on June 30, 2001, which provides support services to eligible ANFC/TANF recipients. The new PSE program also expands the population that is eligible for support.

The PSE program is a separate state-funded program to assist parents in eligible low-income families to obtain two or four-year postsecondary undergraduate degrees in fields directly related to employment. The PSE program provides living expense stipends, case management, and support services. In eligible two-parent families, only one parent at a time may participate in the PSE program, and the second parent must be employed if able to work. Eligibility is based on financial and non-financial criteria.

The PSE program is not an entitlement program. Participation may be denied to applicants meeting the eligibility criteria if program funds are insufficient for all eligible applicants to participate. If program funds are insufficient to serve all eligible applicants, the priorities for admission to the PSE program established by these regulations will be followed.

The PSE program will be administered by a contracting agency, which will carry out all program functions, including determination of eligibility for the PSE program, administration of living expense stipends, case management, development and approval of PSE plans and approval of support services. Participants in the PSE program will not be eligible to receive Reach Up financial assistance.

The PSE program will be implemented in two phases. On April 20, 2001, activities will be initiated to implement the transition of participants in the current Reach Up PSE program to the new PSE program. On July 1, 2001, the contracting agency will begin to implement the new PSE program, including accepting new applications.

Specific Changes and Additions to Policy Pages

Since the filing of the proposed rule and receipt and consideration of public comment, the following changes have been made to the proposed rule:

- 2401 D A paragraph, inadvertently omitted from the proposed rule, was added that describes institutions of higher education included in the definition of approved college. Language also added to clarify that regional technical centers and other institutions not offering two or four-year postsecondary undergraduate degrees are not included in the definition of approved college.
- 2401 E A definition of case manager was added to clarify that it includes someone with the job title of case manager or another appropriate person designated by the contracting agency to provide case management services.
- 2401 J The term “directly related to employment” (formerly 2401 H) was changed to “field directly related to employment” and the words “a major in” were removed from the beginning of the definition.
- 2401 M The of definition labor market area was expanded to take into account people who intend to work out of state following completion of the PSE program.
- 2401 N The definition of making progress toward a degree now contains two standards, a more relaxed standard for first third of the participating parent’s schedule to complete the degree and a higher standard for the last two-thirds of the schedule.
- 2401 O A definition of matriculating or matriculated student was added to clarify that this includes applicants who have applied to college, as well as those who are attending or who have been accepted to college. See also 2407.2A.1.
- 2401 V. A definition of special status applicant was added.
- 2402.1.A.5.c This section was amended to exclude student financial assistance received by any family member from gross income when determining financial eligibility for the PSE program.

- 2402.1.B.5.b This section was cross referenced with 2403.7.A, which sets forth the criteria for determining that someone can no longer perform an occupation due to disability.
- 2402.1.B.5.c This section was cross-referenced with 2403.7.B, which sets forth the criteria for determining that someone's postsecondary undergraduate degree is outdated and not marketable.
- 2402.1. B.7 This section was changed to make eligibility for financial assistance from VSAC, rather than eligibility for Vermont grants from VSAC, a non-financial eligibility criterion for the PSE program.
- 2402.1.B.8.a The section has been amended so that only specialized foster parents, professional parents or someone in a similar capacity caring for a child in the custody of SRS or placed by a licensed child placement agency will be considered to be employed 20 hours per week.
- 2402.2 An introductory paragraph was added summarizing the timing and scope of the annual review for continuing eligibility.
- 2402.2.A This section was divided into two subsections. Subsection 1 clarifies that the participating parent must demonstrate financial eligibility for the calendar year preceding the year in which the annual review is conducted. Subsection 2 cross-references the section on initial financial eligibility as the basis of continuing financial eligibility.
- 2402.2.C This section was added to clarify that the amount of the living expense stipend also will be redetermined at the time of annual review for continuing eligibility.
- 2402.3.1.B This section was amended to permit initial entry into the PSE program at times other than the fall and spring academic semester for applicants who will be attending an approved college that does not operate on a traditional semester basis.
- 2403.2.A. The dates in the first bullet were changed so that the application period for special status applicants begins and closes earlier.
- A third bullet was added prescribing the application period for applicants who will be attending approved colleges that do not operate on a traditional semester basis.
- 2403.2.B This section establishes a process for setting the number of applications that will be considered in each application period and to permit extension of the application period if the target number for openings in an application period is not reached.
- 2403.3.C This section was amended to clarify that written notice will be provided of the decision on the financial eligibility decision.

- 2403.4.B Language was added to this section to clarify that applicants who have applied to a postsecondary undergraduate degree program must provide documentation of admission to the degree program to be eligible for the PSE program.
- 2403.4.D This section was changed to make eligibility for financial assistance from VSAC, rather than eligibility for Vermont grants from VSAC, a non-financial eligibility criterion for the PSE program.
- 2403.5.A Additional examples of sources of information that can be used to evaluate the literacy of an applicant have been added to this section.
- 2403.6 The heading for this section has been broadened to cover non-participating parents who are unable-to-work and the section has been divided into subsections A and B, the first dealing with disability and the second dealing with the effects of domestic violence.
- 2403.6.A Language has been added to subsection 1 to clarify that subsection A applies to parents who state that they are unable-to-work because of disability. Subsection 4 has been added to make explicit that if the non-participating parent is temporarily disabled and not eligible for VR services, the applicant will not be eligible for the PSE program.
- 2403.6.B Subsection B adds the effects of domestic violence as a reason why the non-participating parent may be unable-to-work full or part-time. The requirements for the domestic violence exemption from work in the PSE program generally track the requirements for the exemption in the Reach Up program at WAM 2225.1 and 2344.2.B.5
- 2403.7.B Language has been added to subsections 1 and 2 specifying that the exceptions for pre-existing PSE degrees that are obsolete, outdated, or not marketable apply only when the pre-existing degree cannot be updated by taking courses in a non-degree program.
- 2403.9.A Language has been added to clarify that the limitation on hours of employment does not apply during vacations, periods between terms, semesters, summer sessions, or terms in which the parent is not taking any classes. See also 2405.3.A and 2412.4.A.
- 2403.9.B This section has been amended to require assignment of child support only when the participating parent receives a living expense stipend, not as a general requirement for participation in the PSE program. See also 2405.3.B. and 2412.4.B.
- 2403.9.E Language has been added to clarify that the limitation on receipt of financial assistance through Reach Up following successful completion of the PSE program applies to the participating parent and his or her minor dependent children. See also 2405.3.E and 2412.4.E.

- 2403.9.F The requirements for job placement activities have been changed and the requirements for job acceptance deleted. Participating parents will be required to seek employment during their last year in a degree program using the services of the college career placement office or the Department of Employment and Training. See also, 2405.3.F, 2407.2.A.9 and 2412.4.F.
- 2403.10.A The language for Section A in the proposed rule is now in Section B. Section A has been rewritten to require that a decision on an application must be made no later than the tenth day of the month prior to the month in which the applicant will start classes. This deadline will be extended if it cannot be met through no fault of the applicant.
- 2404 B A definition of special status applicants has been added at 2401.V and the words “special status applicants” substituted for the defining language of the proposed rule in this section.
- 2405.2.B The date by which transition students must submit an application has been changed from June 1, 2001 to May 15, 2001.
- 2405.5.B Language has been added as subsection B to make clear that months that transition students spent in the Reach Up PSE program will be counted as part of the time limits for degree completion in the PSE program, which begins on July 1, 2001. Former subsection B is now subsection C.
- 2405.5.C This section has been amended to clarify that transition students will be required to attend summer school only if appropriate courses are available.
- 2406.A The dates in the section were changed to correct an error in the proposed rule and to clarify that special status applicants must have a Family Development Plan in place as of May 14, 2001 which includes application to the PSE program to commence a postsecondary undergraduate degree program in fall, 2001.
- 2406.C. Language was added to this section to clarify that the contracting agency will provide assistance to special status applicants in the application process.
- 2407.1.A Changes to this section clarify that the applicant will receive assistance from a staff person assigned by the contracting agency to develop the PSE plan and that applicants and participating parents must propose modifications to their PSE plans when recommended by the PSE review committee.
- 2407.1.B The section was amended to conform to 2407.1.A.
- 2407.2.A.2 The language requiring the applicant to state why she or he wishes to pursue a given occupational goal is now included here. This requirement was included in the proposed rule at 2407.2.A.4.a.

- 2407.2.A.4 This section has been revised to articulate the specific tasks applicants need to complete to demonstrate the nexus between the applicant's employment goal and employers' preferred fields of study for the occupation the applicant wishes to pursue.
- 2407.2.A .8 This subsection adds the requirement that applicant must include the estimated costs per semester and the financial resources she or he plans to use to meet the costs.
- 2407.4 Language has been added to this section to permit change of major, degree, or college, if approved by the PSE plan review committee. See also 2412.3.
- 2407.5 The section was amended to clarify that the reasons listed for modification of the schedule for program completion are not all-inclusive and to list specifically the learning disability of a participating parent as a reason for such modification.
- 2408.A.5 An exception has been added in this section to allow an applicant to receive Reach Up financial assistance for one month in lieu of the living expense stipend if the applicant was accepted into the PSE program at such a late date that Reach Up assistance could not be terminated in a timely manner.
- 2408.C This section has been amended to permit a single-parent family that experiences a major loss of income to receive a one-time discretionary payment on that same basis as a two-parent family.
- 2409.C Language has been added to this section to clarify that case managers will be able to authorize the number of child care hours a participating parent will receive.
- 2410 A new section, Pre-Participation Services, has been added, which describes the services provided prior to initiation of case management services. This includes assistance with all aspects of the application process, assistance with applying for financial aid, and coordination with PATH case managers. The section on case management services is now 2411.
- 2411.3 This section on case management services (formerly responsibilities of case managers) has been revised to conform to 2410. Services that will be provided prior to actual participation in the PSE program have been moved to 2410.
- 2411.4 This section (formerly 2410.3.B) describes other services that case managers may provide. Any pre-participation services have been moved to 2410 and references to assistance with job placement and job retention following completion of the PSE program have been removed. A subsection has been added regarding referral of other family members to social services and state and federal benefit programs.
- 2412.2.H. & I Two subsections have been added to this section (formerly 2411). Subsection H requires documentation that the participating parent is a member in good standing at the college she or he attends. Subsection I requires documentation, if applicable, that

employment will be reduced to no more than 20 hours per week when the participating parent is taking courses.

- 2413.1.C Language has been added to clarify that any month in which the participating parent receives a living expense stipend or support service payments will be counted as part of the time limits for completion of the degree. See also 2415.B.
- 2415 A new section has been added to define the time limits for participation in the PSE program, including: three years will be thirty-six cumulative months and five-years will be sixty cumulative months; each month for which the participating parent receives a living expense stipend or support service payment will be counted, even if that month is during an approved interruption; and months in which transition students received support from the Reach Up PSE program prior to July 1, 2001, will be counted as part of their time limits in PSE program covered by this rule.
- 2416 A new section has been added to summarize the reasons for termination from the PSE program. These include: failure to meet eligibility requirements during an annual review; failure to cooperate with or to provide required documentation during an annual review; and failure, at any time during program participation, to cure defects in the residency or limitation-on-employment requirements of the PSE program.
- 2418 A new section has been added to explicitly state the obligation of the department and contracting agency to comply with the requirements of the Americans with Disabilities Act.

Summary of Public Hearing and Written Comments

PATH distributed the bulletin containing the proposed rules widely. The public hearing was held on January 23, 2001, at the State Office Complex, Waterbury, VT. Eleven individuals attended of whom nine testified. Those testifying represented or are employed by the following organizations: Champlain College, Community College of Vermont, Southern Vermont College, the Vermont Student Assistance Corporation (VSAC), and Woodbury College.

One member of the Vermont House of Representatives and representatives or employees of the following organizations submitted written comments: Addison County Women in Crisis, Champlain College, Department of Employment and Training, PATH, Vermont Coalition for Disability Rights, Vermont Low Income Advocacy Council, and VSAC. The Welfare Reform Advisory Group reviewed and discussed a draft version of the proposed rules at its meeting on December 4, 2000, and the proposed rules at its January 29, 2001, meeting. The department also received input regarding legislative intent from the chairs of the Vermont House and Senate Committees on Health and Welfare and the immediate past chair of the Senate Committee on Health and Welfare.

General Comments on the Proposed Rules and the Department's Response

Summary: Two commenters made general comments on the proposed rules. In the case of one commenter, some of the comments appearing under the heading "General Comments" were general and others were specific. The specific comments have not been included here as they are stated and responded to below.

The general comments describe the proposed rules as (1) too narrowly focused on the participant's occupational goal; (2) too rigid, too restrictive, too inflexible, and too specific; (3) having insufficient accommodations for individuals with disabilities; and (4) needing cross referencing of sections.

Response: *Regarding (1) too narrowly focused on the participant's occupational goal* - the department has made modifications, described below, that clarify how the connection between the occupational goal and the degree program is to be documented and the opportunities for change, along the way, relative to the occupational goal. Commenters may find these changes partially, as opposed to fully, responsive to their concerns.

In drafting these rules, PATH has been mindful of the title of Act 147, which is "An Act Relating To Assisting Families To Attain Self-Sufficiency"; the purpose of the Postsecondary Education (PSE) program, "to enable parents in eligible families to pursue undergraduate postsecondary degrees in fields directly related to employment"; its understanding of the legislative intent relative to the PSE program; the constraints and opportunities of federal welfare reform, the catalyst that prompted the General Assembly to enact Act 147 last year; and the role of separate state programs within the context of federal welfare reform and Vermont's welfare program.

The PSE program represents special treatment that gives Vermont families opportunities that comparable families in most other states do not have. Its provisions do not comply with federal TANF (Temporary Assistance for Needy Families) law. To accomplish this the General Assembly was required to authorize separate state programs to be funded solely with general funds, thus freeing them from stringent TANF requirements.

The PSE program is not the only separate state program included in Act 147. The result is competing demands/uses for the general funds appropriated for the ANFC program (Reach Up program as of July 1, 2001). In addition, the PSE program is not an entitlement program. It will have a limited amount of funding each year. The consequence is that a parent participating in the program may be preventing another otherwise eligible parent from participating in the program. Because of this, PATH believes the PSE rules need to create a framework that requires significant career-oriented planning before or during the application process and diligent efforts to complete the chosen degree program within the regular time frames identified in the statute. It is PATH's understanding that this is consistent with legislative intent.

The PSE program offers a wonderful opportunity to parents in Vermont low-income families. PATH has sought to draft these rules so that they represent a fair and balanced sharing of responsibilities between the contracting agency and the participating parents in making the program successful for its participants and for all Vermonters.

Regarding (2) too rigid, too restrictive, too inflexible, and too specific - the department considers this description to be a matter of the commenters' perception and not something that can be proved or disproved. PATH's purpose in drafting these rules has been to define the program as it believes the legislature intended it to be defined.

In response to these comments the department changed the proposed rules in some areas. In other areas, the department concluded that adopting the commenter's approach would make the program's rules either conflict with statutory requirements or with PATH's understanding of legislative intent.

Regarding the rules (3) having insufficient accommodations for individuals with disabilities - the department made changes in this area. The PSE program is a PATH program and, therefore, governed by its "All Programs" rules. As a result, the department had not included a separate Americans With Disabilities Act (ADA) statement in the proposed rules because such a statement is already included in PATH's "All Programs" rules at WAM 2170.

WAM 2170 articulates PATH's commitment to make reasonable modifications to its programs when necessary to avoid discrimination on the basis of disability. In light of the comments, it is clear that many people see the PSE rules as distinct from PATH's rules for other programs. Therefore, the department has added an ADA statement to the PSE rules.

Regarding the rules (4) needing cross-referencing of sections - the department has added cross-references to the rules in several places to promote increased understanding of them.

Specific Comments on the Proposed Rules and the Department's Response

2401 Definitions

Comment: Two commenters identified the need for a definition for "special status applicant".

Response: The department has defined "special status applicant" in the final rule at 2401.V.

2401.A & B Able-to-work and Able-to-work-part-time

Comment: One commenter proposed the inclusion of domestic violence as a condition that may prevent a person from being able-to-work or able-to-work-part-time.

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Response: In the final rule, the department addresses the effects of domestic violence on the non-participating parent's ability to work at 2403.6.B.

2401.D Approved college

Comment: Three commenters found the definition of “approved college” unclear and proposed that all vocational technical schools could be considered “approved colleges” under the program’s definition.

Response: A portion of the definition of “approved college” was inadvertently omitted from the proposed rule and is now included in the final rule. Additional language has been added to clarify that participants may attend only schools that offer two-year or four-year postsecondary education degrees and that regional technical schools do not meet the definition of “approved college.”

2401.H (previously 2401.G) Degree-related job

2401.J (previously 2401.H) Field directly related to employment

2407.2 Postsecondary Education Plan (PSE Plan) – PSE Plan Requirements

2407.3 Postsecondary Education Plan (PSE Plan) - Fields of Study/Majors - Requirements for Exceptions

Comment: A commenter noted that the definition of a “degree-related job” is too narrow and may not support a broader range of employment that could be reasonably related to the approved degree. The same commenter stated that both of these definitions might exclude the pursuit of a liberal arts degree since both definitions are linked to particular employment. A commenter to 2407.3 also thought that “compelling circumstances” was too high a standard to meet for this exception.

Response: Other than where it is defined, “degree-related job” is referenced in the rules only at 2414 where it functions as a protection for PSE program graduates who apply for Reach Up assistance following completion of the program. Graduates who meet specified criteria are protected from being required to accept a job that is not related to their degree during their first three month of post-degree receipt of Reach Up financial assistance.

The department has modified the proposed rules relating to the PSE Plan to reflect, in a practical way, last year’s legislative discussions relating to the relationship of fields of study to employment goals. PATH recalls that proponents of providing for majors in liberal arts stated their belief that many employers are seeking college graduates with liberal arts degrees to fill entry-level skilled positions.

The PSE plan, as modified, requires documentation that three employers prefer the field of study that the applicant proposes for positions in the applicant's chosen occupation. PATH believes the proponents of liberal arts degrees are correct. Substantial numbers of employers are seeking to hire college graduates with liberal arts degrees. Assuming this is correct, the requirement for documentation of such from three employers should not be a barrier to program applicants seeking to pursue a liberal arts degree. Should this prove not to be the case, approval of the pursuit of a liberal arts degree may be sought under the exception provided for in 2407.3. In light of these changes, PATH does not consider the "compelling circumstances" standard too high for an exception.

2401.M (previously 2401.L) Labor market area

Comment: A commenter questioned the definition of the labor market area and whether a person who wanted to pursue a job outside of Vermont would be able to do so.

Response: This definition has been expanded to be clear that in order to determine the labor market area, a parent would contact either the Vermont Department of Employment and Training if the person intended to seek employment within Vermont or a comparable agency from another state if the employment sought is out-of-state.

2401.N (previously 2401.M) Making progress toward a degree

Comment: Two commenters believed that it should be up to the college the participating parent is attending as to whether the parent is "making progress toward a degree." Concern was also expressed that this definition sets too high a standard.

Response: The department has modified this definition by substituting ""demonstrates the likelihood" for "supports the assumption" and making the standard during the first third of the parent's participation in the program lower than the standard that applies to participation in the remaining two-thirds of participation. The word "strongly" does not apply to the first third of participation; the adverb "clearly" (as in "clearly demonstrates the likelihood") is added for the remaining two-thirds of participation.

A parent participating in the PSE program needs to have an academic record that substantiates he or she is "making progress toward a degree" (33 V.S.A. §1122(g)(2)), he or she is progressing toward a degree in a field "directly related to employment" (33 V.S.A. §1122(a)), and he or she is on schedule to complete the degree within a defined time period (33 V.S.A. §1122(e)(9)(B) through (D)). These are requirements of the enabling statute. It is PATH's understanding that, as a general practice, postsecondary academic institutions do not monitor their students' performance according to these standards. The result is the PSE rules reflect a higher standard for its participants because the enabling statute requires a higher standard.

The department has also added additional language to allow for approved modifications to the schedule for completion of the degree.

2401.Q (previously 2401.O) Parent

Comment: One commenter was concerned that this definition excludes pregnant women and three commenters were concerned that caretaker relatives would be ineligible for the PSE program.

Response: This definition is identical to the statutory language at 33 V.S.A. §1122(h)(2). Consistent with that language, these two categories of potential applicants are ineligible. Women who are pregnant in a particular year may be eligible to apply the following year.

2402.1.A.1 Initial Eligibility - Financial Eligibility (financial eligibility for previous year)

Comment: Two commenters expressed concern that requiring an applicant to be financially eligible for the year before application would exclude people who are recently divorced as well as new parents. One commenter thought that exceptions to this requirement should be included since family situations can change quickly.

Response: This eligibility factor is required by the enabling statute at 33 V.S.A. §1122(d)(3), and therefore cannot be modified. It should be understood that if someone cannot meet this financial eligibility factor in a particular year, the person is not precluded from re-applying the following year or at any other time.

2402.1.A.3 Initial Eligibility - Financial Eligibility (verification of income)

Comment: A commenter proposed that previously completed financial aid paperwork should be able to be considered appropriate documentation for verification of income.

Response: This eligibility factor is required by the enabling statute at 33 V.S.A. §1122(d)(4). The department does not believe this would preclude the use of previously completed financial aid paperwork, when appropriate, but other documentation may also be required. This needs to be determined on a case-by-case basis.

2402.1.A.5 Initial Eligibility - Financial Eligibility (gross income)

Comment: One commenter proposed that gross income should not include income from needs-based programs, e.g. SSI. The commenter also stated that child support should be excluded from income.

Response: The use of “gross income” is required by the statute at 33 V.S.A. §1122(d)(1) and (2). The department has included limited deductions that promote major public policy goals; for example, children’s employment, the provision of foster care, the work incentives inherent in Earned Income Tax Credits, and payment of child support. Please note that other Vermont programs include income from needs-based programs as part of a gross income determination, e.g. property tax and renter's rebates. This section applies only to financial eligibility for the PSE program, not to determining eligibility for the living expense stipend.

2402.1.B.1 Initial Eligibility - Non-Financial Eligibility (literacy skills)

2403.5.A Application - Literacy Assessment

Comment: Seven commenters objected to the inclusion of a literacy requirement or assessment. The range of objections included: this is not included in the enabling statute; literacy should be addressed by the postsecondary educational institutions; inconsistencies may occur in making such assessments; most parents applying for this program will experience difficulty in providing indicia of their skill level; and literacy assessments might inappropriately screen out people with learning disabilities.

Response: The department has modified the proposed rule to make clear that a wide variety of evidence will be considered in these assessments. The department considered the proposals to eliminate this requirement carefully. Yet it still finds a literacy assessment essential to reaching a reasoned conclusion about the applicant's ability to successfully complete the PSE program within the specified time limits. This is consistent with numerous references to literacy in Act 147, which include assessment of the appropriateness of an individual's education goals and a special emphasis on literacy (see 33 V.S.A §§ 1101 (4), 1107 (b)(2), 1107 (e), 1134 (b)). As a result of an Act 147 requirement a multi-department approach to literacy assessment is currently being developed, which is expected to produce consistency throughout the state. The literacy assessment is also consistent with one of the statutory purposes of aid provided under chapter 11: "To conserve state public financial resources by operating the system of aid in a manner that is efficient and avoids federal fiscal sanctions" (33 V.S.A. §1102 (9)).

If an applicant's record indicates that the applicant has sufficient literacy skills to successfully participate in the PSE program, the applicant would not need to be tested.

The regulation at 2403.5 provides many different ways for a case manager to carry out the literacy assessment. It is not limited to standardized test results. Though commenters suggested that this might be too subjective, the department anticipates that past employment responsibilities, education, and even volunteer activities will prove to be strong indicia of literacy and that applicants will not be unnecessarily tested if their records support the presumption that they possess the requisite level of literacy for postsecondary education.

Furthermore, the department recognizes that the program must provide reasonable accommodations for people with disabilities under applicable law and this would also apply to the use of a literacy assessment tool. The department does not believe this legal requirement includes the responsibility for the PSE program to pay for the determination of learning or other disabilities in the absence of specific evidence that such a disability is present. If a person presents such evidence of a disability, reasonable accommodations will be made. The department has added a new section to the regulations at 2418, referring to the requirements of the Americans With Disabilities Act.

2402.1.B.2 Initial Eligibility - Non-Financial Eligibility (approved PSE plan)

2411.2.A (previously 2410.2.A) Case Management - Availability of Case Management

Comment: A commenter was concerned that applicants receive the assistance of a case manager in the development of a PSE plan. Two commenters to 2410.2.A stated their belief that having case management provided only one month prior to the beginning of the academic term is not enough time to enable assistance in developing the student's PSE plan.

Response. Although section 2411.2, A. refers to case management beginning one month prior to the start of the participating parent's first academic term, other rules make it clear that the PSE program will provide assistance for the development of the PSE plan. See 2407.1.A. The department also has added a new section, 2410 Pre-Participation Services, to clarify that applicants will receive assistance for the development of initial PSE plans.

2402.1.B.4 Initial Eligibility - Non-Financial Eligibility (non-participating parent)

Comment: One commenter proposed that two-parent families to be considered eligible for the program when the non-participating parent is unable to find work but is actively looking for work.

Response: This eligibility factor is required by the enabling statute at 33 V.S.A. §1122(e)(2) and cannot be modified. When the non-participating parent has become fully employed, the parent can then apply to the program.

2402.1.B.5 Initial Eligibility - Non-Financial Eligibility (obsolete, outdated, and not marketable prior degree exceptions)

Comment: One commenter wanted to make sure this determination could be appealed. Another commenter wanted to see a more detailed definition of these three exceptions. This same commenter was unclear if a person with two-year degree would be excluded from obtaining a four-year degree.

Response: All determinations, including the one referred to in this section, may be appealed (see section 2417.B.). The descriptions of "obsolete, outdated, and not marketable" are further defined in 2403.7.B in the context of the application process. A person who already has a two-year degree would be eligible for this program only if the person meets the exceptions included in this section.

2402.1.B.6 Initial Eligibility - Non-Financial Eligibility (matriculating/matriculated)
2403.4.B Application - Provision of Documentation (matriculating/matriculated student)

Comment: Three commenters noted that the use of the term "matriculating/matriculated" needs clarification so that it also applies to people who have applied to or have been accepted to college but are not yet attending school.

Response: The department has addressed this point by the addition of a definition for “Matriculating or Matriculated Student” at 2401.O.

2402.1.B.7 Initial Eligibility - Non-Financial Eligibility (eligible for VSAC VT grants)

2403.4.D Application - Provision of Documentation (eligibility for VSAC VT grants)

2403.4.E Application - Provision of Documentation (Vermont residency)

Comment: Seven commenters pointed out that the enabling statute requires that applicants be eligible for VSAC financial assistance, not for VSAC Vermont grants, which are only one form of VSAC financial assistance. Since eligibility for VSAC Vermont grants is more limited than for other forms of VSAC financial assistance, it would exclude people from participating in the PSE program who might otherwise be eligible. Those who might be excluded are young, single parents who are living with, or might have lived with, their parents during the year preceding their application and applicants who have not been Vermont residents for one year.

Response: The department has changed this section of the rule to require eligibility for VSAC financial assistance, instead of for VSAC Vermont grants.

2402.2.A Continuing Eligibility - Financial Eligibility

Comment: Three commenters were confused about whether the income only from the 90 days prior to the continuing eligibility review would be considered during the annual review, and whether this would work to prohibit a parent from working in the summer if the parent was not attending school.

Response: The department has modified this section to clarify that the accounting period for the continuing eligibility review is the full calendar year preceding the year in which the annual review is conducted. The annual review must take place within the 90-day period prior to the beginning of each academic term that marks an anniversary of the participating parent’s participation in the PSE program. Since the annual review looks at annual income from the previous calendar year, not just income from the 90 days before the review, financial eligibility would not be determined solely on the basis of summer employment.

2403.1.B Application - General Requirements (initial entry into program)

Comment: Many commenters noted that since many students take courses during the summer, entry into the program should not be restricted to the fall and spring semesters. In addition, one commenter pointed out that some schools do not operate on a semester-based system.

Response: The department carefully considered the comments but has decided that initial entry should not begin in the summer session since summer courses are often very intensive and are likely to provide a difficult entry into college. The department has modified this section to accommodate students whose approved college does not operate on a traditional semester basis.

2403.2 Application - Application Periods

Comment: Three commenters believed that the window for applications was too restrictive, might eliminate potential participants, and could conflict with other VSAC and school application time periods. The point was made that a more flexible time period might better accommodate applicants, some of whom make decisions to attend college outside these fixed periods.

Response: The department carefully considered what application periods would be most appropriate. The department is convinced that a fixed time period is necessary in order to ensure that Reach Up applicants can be given the priority provided for in 2404 and also to conserve program resources so that high quality service is maintained even if large numbers of people apply--more than the program might reasonably be expected to assist. This consideration is also addressed in additional language included in 2403.2.B. limiting the number of applications that will be accepted for a full eligibility determination in a given application period.

Although a fixed time period has been retained, the department has modified the start and end dates and has added a subsection relating to applicants who will be attending an approved college that does not operate on a traditional semester basis.

2403.3.C Application - Financial Eligibility Application (written notice re: financial eligibility)

Comment: A commenter was concerned that it was unclear whether this applied to the notice of decision regarding financial eligibility or to the notice regarding the receipt of the application.

Response: The department has modified this section to be clear that it applies to the decision regarding financial eligibility.

2403.6 Application – Requirements for Non-Participating Parents Unable-to-Work (previously Disability Assessment of Non-Participating Parent)

Comment: One commenter indicated that using the Division of Vocational Rehabilitation (VR) to determine disability was too narrow. Being required to participate in VR services is not in the statute and should be deleted. Another commenter asked that the case manager be obligated to pursue referrals for disability determinations and assist parents not meeting the work requirements. A commenter proposed that PATH develop an independent process for determining disability for the PSE program. Another commenter suggested including a family violence exemption for non-participating parents who are unsafe due to domestic violence.

Response: The department chose to use the Division of Vocational Rehabilitation to determine the disability of the non-participating parent because the VR standard is relatively generous. A new subsection, 2411.4.B, has been added to cover referrals of family members to other state and federal benefit programs. PATH has also added a provision that states that if a person has a temporary disability and is rejected by VR because of this, the family is not eligible for the PSE program at that time. The parent may reapply when the non-participating parent is no longer disabled. The department also added a subsection regarding victims of domestic violence at 2403.6.B to address the concerns raised regarding the effects of domestic violence on ability to work.

2403.7 Application - Applicants With Pre-Existing PSE Degrees - Exceptions

Comment: Two commenters suggested adding an exception to allow an applicant to obtain a second degree when the first degree provides insufficient financial support.

Response: The exceptions are established by the enabling statute at 33 V.S.A. §1122(e)(3) and therefore additional exceptions cannot be included.

2403.9.A Application - Conditions for Participation in PSE Program (employment limitations)

Comment: A commenter was unsure whether this precluded a participating parent from working full time in the summer if the parent was not taking classes.

Response: The department has modified this section to clarify that a participating parent is only limited to 20 hours per week employment when the participating parent is taking classes, and does not include periods such as school vacations, between terms, the summer or any other period when the parent is not taking any courses.

2403.9.B Application - Conditions for Participation in PSE Program (assignment of child support)

Comment: One commenter raised a number of questions about requiring the assignment of child support, e.g. that there is nothing in the statute requiring such assignments, that child support should not be counted as income if it is assigned, and that it should only be counted as income if adjustments in the stipend are allowed.

Response: The department has modified this section so that the assignment of child support is required only for participating parents who receive a living expense stipend under the PSE program. Vermont's child support enforcement statute requires the assignment of support rights when a dependent child receives assistance under chapter 11 of Title 33. The living expense stipend is a form of assistance provided to children under chapter 11 of Title 33 (see 33 V.S.A. §§ 3901(4) and (6) and 3902(a)). PATH also believes this requirement is consistent with the intent of Act 147, as participating parents who receive a stipend do so in lieu of Reach Up financial assistance.

2403.9.D Application - Conditions for Participation in PSE Program (determination of living expense stipend on annual basis)

2408 Living Expense Stipend

Comment: Two commenters held the opinion that since the enabling statute does not explicitly prohibit mid-year adjustments in the living expense stipend, needed adjustments should be permitted. One commenter stated that upward adjustments to stipend should be allowed in unexpected circumstances and that case managers should be allowed flexibility to approve temporary adjustments in the stipend for extreme circumstances. Another commenter recommended allowing stipend increases when there is a decrease in child support.

Response: The enabling statute at 33 V.S.A. §1122(c)(1) requires the living expense stipend to be determined annually. At all times during legislative discussions of the PSE program the department stated that the purpose of the “annual” determination of program eligibility and the amount of the stipend was to support structuring the program on a traditional college financial assistance model rather than a traditional welfare program model. The proposed rules are consistent with the college financial assistance model.

When a participating family experiences a major loss of income, the department provides for a one-time discretionary payment in 2408.C to address uncovered basic family needs for a period of 90 days.

2403.9.E Application - Conditions for Participation in PSE Program (limitation on receipt of Reach Up financial assistance after completion of program)

2405.3.E Transition Students - Conditions for Participation in PSE Program (limitation on receipt of Reach Up financial assistance after completion of program)

2414.B.4 (previously 2413 B.4) Completion of Postsecondary Program/ Reach Up Requirements (exceptions to limits on Reach Up financial assistance after program completion)

Comment: One commenter believed there should be an exception for victims of domestic violence. Another commenter suggested that recipients of a two-year degree be able to receive more Reach Up financial assistance after the completion of the program since they would have not received the same amount of state assistance during their participation in the PSE program as recipients of a four-year degree.

Response: The limitations in this section are set by the enabling statute at 33 V.S.A. §1122(e)(8)(A). The department has provided for exceptions due to catastrophic family events at 2413.B.4 and has modified that section to specifically include victims of domestic violence.

2403.9.F Application - Conditions for Participation in PSE Program (job search requirements)

2405.3.F Transition Students - Conditions for Participation in PSE Program (job search requirements)

2407.2.A.9 Postsecondary Education Plan (PSE Plan) - PSE Plan Requirements (job placement)

2412.4.F (previously 2411.4.F.) Annual Review of Continuing Eligibility and Living Expense Stipend - Conditions for Continuing Participation in the PSE Program (job search)

2411.2.A (previously 2410.2.A) Case Management - Availability of Case Management 2411.4 (previously 2410.3.B.5) Case Management Services (previously Responsibilities of Case Manager) (additional responsibilities re: job search)

2414 (previously 2413) Completion of Postsecondary Program/ Reach Up Requirements

Comment: Two commenters stated that participating parents should not be required to start looking for a job before graduation and that it would be more realistic to allow a person to undertake a job search after graduation. Seven commenters to 2410.2.A stated that case management should also be provided after graduation to support parents in their job search. A commenter to 2410.3.B.5 wondered if this provision contradicted a previous regulation that said that case management would be terminated upon graduation.

Response: In response to comments PATH has relaxed 2403.9.F to require only job placement activities through the college placement office or the Vermont Department of Employment and Training, not acceptance of employment, prior to graduation. PATH also has modified 2405.3.F, 2407.2.A.10, and 2411.4.F to conform to 2403.9.F.

Since the PSE program ties the postsecondary undergraduate degree closely to the occupational goal of the participating parent, the department believes that a parent should begin to focus on job placement activities prior to graduation. Starting the job search before graduation maximizes participating parents' chances of obtaining employment before having to return to Reach Up or to accept a job unrelated to their degree. This is also consistent with one of the statutory purposes of aid provided under chapter 11: "To conserve state public financial resources by operating the system of aid in a manner that is efficient and avoids federal fiscal sanctions" (33 V.S.A. §1102 (9)).

The enabling statute does not provide for continuation of support services, living expense stipend, or case management after completion of the PSE program. 33 V.S.A. §1122 (a). The provisions of the proposed rule at §§ 2410.3.B.4 and 5 regarding assistance with job search and job retention following graduation have been deleted. During the parent's participation in the program, the case manager will be available to provide referrals for other resources to assist with a continued job search.

2404 Priorities

Comment: Four commenters stated that some priority be given to students who have completed a try-out semester.

Response: The PSE program provides priorities for transition and special status students, some of who may have taken a try-out semester. Applicants who have taken college courses, e.g. try-out courses, are not considered to have had prior postsecondary education if they were not matriculated students at the time they took the courses. (See definitions 2401.O and 2401.T). Therefore, most applicants who have taken try-out courses will

be in the first priority group since they will be considered “applicants who have had no postsecondary education.”

2404.B Priorities (order of priority)

Comment: Three commenters stated that applicants who have had some postsecondary education should be given higher priority since they have already shown an interest in pursuing higher education and might be very motivated participants.

Response: This priority requirement is contained in the enabling statute at 33 V.S.A. §1122(f) and therefore cannot be changed.

2405.5 Transition Students - Revision of Transition Students’ PSE Plans

Comment: Four commenters were concerned about requiring transition students to take summer courses in 2002 since the courses they might need for their program may not be available.

Response: The department has revised this section to recognize that if appropriate courses are not available, summer attendance will not be required.

2406.A Special Status Applicants: Reach Up Participants Entering College in Fall 2001

Comment: A commenter pointed out a typographical error regarding the dates.

Response: The department changed the date “June 1, 2000” to “May 14, 2001.”

2407.1 Postsecondary Education Plan (PSE Plan) - PSE Plan Development, Modification, and Review

Comment: One commenter believed that a person’s college advisor should be included on the PSE plan review committee.

Response: The department believes the current regulation enables the contracting agency to include others, such as college advisors, on the PSE plan review committee if appropriate.

2407.2.A Postsecondary Education Plan (PSE Plan) - PSE Plan Requirements

2407.2.A.4 Postsecondary Education Plan (PSE Plan) - PSE Plan Requirements
(required task completion)

Comment: One commenter believed that the requirements for the preparation of the PSE plan are too burdensome for applicants, that a number of the requirements are not in the statute and should be deleted and that they would require applicants to obtain fairly sophisticated information. Two commenters stated their belief that the questions in A.4 are too occupationally focused while one of the commenters thought it would be more realistic to require responses to these questions midway through a participating

parent's degree program. Another commenter thought that applicants should also answer questions regarding how much their education would cost and how they intend to fund it, since applicants to the current program have had to provide such information.

Response: The department believes the intent of the enabling legislation is to ensure that PSE program participants are committed to an educational plan that is focused on being able to obtain a job upon obtaining their college degree. To this end PATH has defined a program that makes applicants responsible for putting a significant amount of planning, exploration, and thought into what they want to achieve with their college degree. The department has included all these tasks in A.4. Most have been a required component of the current Reach Up PSE program and have proven to be useful in helping applicants focus on their employment goals. The PSE plan is not intended to be a fixed, inflexible document; 2407.4 includes a mechanism to change the occupational goal, major, field of study, degree or college during the PSE program.

See also the department's response to 2401.H.

Information on education costs and how they will be covered is now included in the PSE plan requirements at 2407.2.A.8.

2407.2.A.1 Postsecondary Education Plan (PSE Plan) - PSE Plan Requirements

Comment: A commenter pointed out that people who are in the process of applying to an approved college should also be included.

Response: The department has modified this section to recognize that some applicants may have applied to a college and not learned of their acceptance at the time they are developing their PSE plan.

2407.2.A.5 (previously 2407.2.A.6) Postsecondary Education Plan (PSE Plan) - PSE Plan Requirements (schedule)

Comment: Three commenters stated that the time periods needed to complete a degree should be flexible and that the enabling statute requires exceptions for "circumstances beyond the parent's control" to be included. One commenter said a specific exception should be made for victims of domestic violence.

Response: The department carefully considered these comments and has decided to retain the current regulation that permits modification of the initial schedule for degree completion only for people with disabilities. Subsequent modifications to the schedule for degree completion may be made for other reasons, including domestic violence, and PATH has modified the rule by cross-referencing to section 2407.5.

2407.2.A.6 (previously 2407.2.A.7) Postsecondary Education Plan (PSE Plan) - PSE Plan Requirements (deductions for previously taken courses)

Comment: One commenter was confused about to whom this would apply and how the time would be applied.

Response: This is required by the enabling statute at 33 V.S.A. §1122(e)(9)(C) and the section uses substantially similar language.

2407.2.A.7 (previously 2407.A.8) Postsecondary Education Plan (PSE Plan) - PSE Plan Requirements (change from 2-year to 4-year degree)

Comment: One commenter suggested only subtracting the time for the two-year degree if the content of the four-year degree is related to a similar field of study.

Response: The requirements in this regulation come from the enabling statute at 33 V.S.A. §1122(e)(9)(D) and therefore cannot be modified.

2407.4 Postsecondary Education Plan (PSE Plan) - Change in Occupation or Field of Study

Comment: Two commenters stated that there should be more flexibility to change occupational goals and fields of study. One indicated that it should be easier to make these changes if obtaining the degree would not require additional time. It was also noted that this regulation implies that a participant would be unable to change from a two-year to a four-year degree program.

Response: The department has modified this section to include changes to the type of degree program. PATH believes that the rest of this rule provides flexibility by allowing changes to be made with the approval of the participating parent's PSE plan review committee.

2407.5 Postsecondary Education Plan (PSE Plan) - Modifications to the Schedule For Program Completion

Comment: Two commenters stated that the good cause reasons included in this regulation are more restrictive than the statutory language providing for modifications to the schedule for program completion based on "circumstances beyond the parent's control." In addition, the statute does not place any restriction on the number of semesters that may be added for good cause and therefore should be deleted. One commenter said there should be a specific good cause exception for the discovery of a learning disability and another said there should be a specific good cause exception for victims of domestic violence.

Response: The enabling statute provides that the department is to establish criteria for extensions to the time limits for completion of a degree based on circumstances beyond the parent's control. See 33 V.S.A. §1122(e)(9)(B). PATH has added language to make clear that the list of criteria that could support the granting of such an extension is not all-inclusive. PATH has also amended this list to specifically include learning disabilities. The effects of domestic violence was already listed as a specific reason for modifications to the schedule.

In proposing rules that establish an limit on the number of semester extensions PATH is again acting on its obligation to “conserve state public financial resources by operating the system of aid in a manner that is efficient and avoids federal fiscal sanctions” (33 V.S.A. §1102 (9)). In addition, PATH understands that the PSE program is not the only separate state program included in Act 147, and as a result, it competes with other programs for the general funds appropriated for the ANFC program (Reach Up program as of July 1, 2001). In addition, the PSE program is not an entitlement program. It will have a limited amount of funding each year. The consequence is that a parent participating in the program may be preventing another otherwise eligible parent from participating in the program.

The commenters have proposed that there be no limit on how long a parent can remain in the program to complete his or her degree. PATH does not find this consistent with legislative intent, nor with the best interests of participating parents, would-be participating parents, and efforts to adhere to sound fiscal policy.

2408.A.3 Living Expense Stipend (limitations for families with more than three members)

Comment: One commentator stated that this limitation unfairly penalizes larger families since they are limited in the amount of stipend they can receive.

Response: The limitations in this section are required by the enabling statute at 33 V.S.A. §1122(c)(3).

2408.A.6 Living Expense Stipend (termination of stipend)

Comment: Five commenters expressed a concern that the stipend would end upon graduation and therefore recommended that some reasonable grace period of a few months should be permitted.

Response: The department finds nothing in the statute that authorizes the extension of the PSE program beyond receipt of the postsecondary degree. See 33 V.S.A. §1122(a). Its purpose is to support participants while they are pursuing a PSE degree. Since participating parents will be engaged in job placement activities prior to graduation, hopefully they will be employed upon graduation. Otherwise the graduate can pursue other options such as obtaining a temporary job or applying for Reach Up financial assistance.

2408.C Living Expense Stipend (one-time discretionary payment)

Comment: One commenter noted that since a one-time discretionary payment is possible for two-parent families there should also be one for single parent families.

Response: The department has expanded this section to provide for a one-time discretionary payment for single-parent families under the same circumstances as for two-parent families.

2409 Support Services

Comment: One commenter wanted support services to explicitly include assistance in the purchase of a computer since they may be a necessary piece of equipment in attending college these days. Another commenter wanted support services to include an amount that a participant may have to pay over the amount received for child care expenses.

Response: Since items are not specifically included or excluded as support services, the contracting agency has flexibility in what may be provided.

With regard to child care expenses over the amount provided by the Vermont Department of Social and Rehabilitation Services, the PSE regulations do not authorize using “support service” payments to pay for child care since it is an area covered by another state program. To do so would be to discriminate in favor of PSE families over other similarly situated families participating in the SRS child care program.

2409.C Support Services (child care assistance)

Comment: Three commenters wanted to be sure that case managers would have the authority to authorize child care hours.

Response: The department has modified this section to clarify that the PSE case managers will have the authority to determine the number of child care hours needed to support the participating parent in the PSE program.

2411.3 (previously 2410.3) Case Management Services (previously Responsibilities of Case Manager)

Comment: A commenter recommended that case managers also be responsible for referring and identifying disabilities, domestic violence, or other obvious barriers.

Response: Since all case managers already have a duty to assist participants to obtain and maintain community based services (see 2411.3.I) the department does not believe it needs to list particular types of referrals.

2410 E. and 2411.3.D. (previously 2410.3.A.4) Case Management Services (previously Responsibilities of Case Manager) (identifying colleges)

Comment: One commenter wanted to be sure that it is within the applicants' discretion to choose the college they want to attend.

Response: The department intends the applicant to have the right to identify the college they wish to attend. These sections say that the applicant or participating parent will receive “assistance” in the identification of colleges; it is not intended that the case manager or other staff person choose the college for the applicant.

Previously 2410.3.B.1) Case Management Services (previously Responsibilities of Case Manager)
(additional responsibilities re: application process)

Comment: One commenter recommended making it mandatory for case managers to assist applicants with the application process whenever requested by the applicant.

Response: The department intends that assistance will be available to everyone during the application process. A new section, 2410 Pre-Participation Services, has been added, which specifically requires that assistance be available for completion of all aspects of the application process, including development of the PSE plan.

2412.2.A (previously 2411.2.A) Annual Review of Continuing Eligibility and Living Expense Stipend - Provision of Documentation

Comment: One commenter suggested that documentation requirements be waived when the contracting agency already has the information.

Response: Since continuing eligibility is based on an annual review, it is possible that some of the required documentation may already be on file, while other information may need to be updated.

2412.6 (previously 2411.6) Annual Review of Continuing Eligibility and Living Expense Stipend - Continuing Eligibility Determination and Written Notice

Comment: One commenter wanted it made clear that parents no longer found eligible to continue in the PSE program will be informed of the Reach Up program options.

Response: The department believes this is already contained in the case management services at 2411.3.J.

2413.1 Interruptions in Participation in PSE Program - Approved Interruptions

Comment: Five commenters stated that participating parents should not be limited in the number of semesters that may be taken as approved interruptions from the PSE program. One commenter believes that the enabling statute does not provide for such limitations.

Response: The department believes that limitations on approved interruptions are an appropriate use of its rule-making authority since the PSE program is a non-entitlement program, it has limited funding, and it is within the intent of the program to keep people from cycling in and out of the program over an unlimited time period. (See also the response to 2407.5)

2413.2 (previously 2412.2) Interruptions in Participation in PSE Program – Unapproved Interruptions

Comment: One commenter suggested allowing retroactive approval for interruptions if the person would have received approval if the request had been timely made.

Response: It is hoped that, in most instances, participating parents who do not intend to take courses during a particular term will apply, in advance, for an approved interruption from the PSE program. Nevertheless, since there is no timeframe for making such requests for approval, it is possible that any interruption, if made for appropriate reasons under the regulations, may be deemed to be an “approved interruption.” However, any month for which the participating parent receives a living expense stipend or support service payment will be counted against the time limits for participation in the PSE program, even if that month was during a “approved interruption.”

2417.E (previously 2414.E) Right to Written Notice and Appeal

Comment: One commenter suggested that benefits should continue for people who make timely appeals. To not continue benefits also raises due process concerns regarding terminating benefits prior to a hearing decision.

Response: The department does not believe that there is a due process issue for a program such as the PSE program since it is not an entitlement program. In addition, people appealing a decision have other avenues of potential financial support such as applying for Reach Up financial assistance during the appeals process.

Comments Regarding Operational Issues and the Department’s Response

Some commenters expressed opinions about operational issues that were not within the scope of the proposed rules.

Qualifications for Vocational Consultant

Comment: One commenter proposed that “vocational consultant” be defined as a Division of Vocational Rehabilitation counselor.

Response: The determination as to who will qualify as a vocational consultant is a matter to be decided by the contracting agency, in consultation with PATH.

Caseloads for case managers

Comment: If a case manager assists an applicant in the development of a PSE plan, that case should be counted as part of the case manager’s caseload.

Response: The determination of appropriate caseloads and how they will be counted is a matter that will be decided between the contracting agency and PATH.

Cross-referencing

Comment: A number of commenters noted that cross-referencing some sections would assist the understanding of the regulations.

Response: The department has generally modified the regulations to include cross-references when appropriate.

Funding for summer courses

Comment: A number of commenters wondered whether there would still be funding available to support participating parents to take summer courses.

Response: The department anticipates that PATH will continue to provide funding through VSAC to enable PSE participants to take summer courses, within the limits of available funds.

Domestic violence training for case managers

Comment: A commenter suggested that case managers and other staff receive domestic violence training.

Response: The department anticipates that case managers will receive some training in domestic violence issues as part of their general training, as well as being encouraged to participate in ongoing trainings on domestic violence made available to PATH staff.

Transition Students - Training for case managers.

Comment: Three commenters expressed concern about how and when the current PSE case managers will be trained.

Response: The department is planning to undertake a training program for the current PSE case managers in a timely fashion.

Note on Sidelining

Because these are entirely new rules, none of the pages is sidelined.

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2400 Introduction to Postsecondary Education Program

The postsecondary education (PSE) program is a separate state-funded program to assist parents in eligible low-income families to obtain two or four-year postsecondary undergraduate degrees in fields directly related to employment. The PSE program provides living expense stipends, case management, and support services. In eligible two-parent families, only one parent at a time may participate in the PSE program and the second parent must be employed if able to work. Eligibility is based on financial and non-financial criteria.

The PSE program is not an entitlement program. Participation may be denied to applicants meeting the eligibility criteria if program funds are insufficient for all eligible applicants to participate. If program funds are insufficient to serve all eligible applicants, the priorities for admission to the PSE program established by these regulations will be followed.

The PSE program will be administered by a contracting agency, which will carry out all program functions, including determination of eligibility for the PSE program, administration of living expense stipends, case management, development and approval of PSE plans and approval of support services. Participants in the PSE program will not be eligible to receive Reach Up financial assistance.

2401 Definitions

- A. Able-to-work: Free of any physical, emotional or mental condition that would prevent the individual from engaging in full-time employment.
- B. Able-to-work-part-time: Having a physical, emotional or mental condition that would allow the individual to engage in employment for at least 10 hours per week but would prevent the individual from engaging in employment for 35 or more hours per week.
- C. Applicant: A parent, other than a transition student, who is applying for admission to the PSE program and whose effective date of admission to the PSE program will be on or after July 1, 2001.
- D. Approved College: Any institution of higher education that is certified by the state board of education as provided in 16 V.S.A. §§176 - 176a. or any institution of higher education that is accredited by the New England association of colleges and secondary schools, or a comparable accrediting agency, or any institution accredited by the Vermont state board of nursing as provided in 26 V.S.A. §§1573-1574 and 1581.

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2400 Introduction to Postsecondary Education Program

2401 Definitions (Continued)

“Approved college” shall also include any technical school or institution that admits students who have completed the twelfth grade or its equivalent, is legally authorized to provide a program of post-secondary or technical education designed to equip individuals for useful employment in recognized occupations and is accredited by a nationally recognized accrediting agency or association or a state accrediting agency or association listed by the United States secretary of education pursuant to 20 U.S.C. §1085(c)(4) (P.L. 89-329) or by any other means of accreditation approved by the state board. It does not include regional technical centers or other institutions that do not offer two-year or four-year postsecondary education degrees.

As used in these regulations, the word "college" means "approved college."

An approved college shall not include a college located more than 75 miles outside of the Vermont border, except when the out-of-state college offers a program in a major in a field of study required to meet the applicant or participating parent’s occupational goal and such program is:

- Not available within Vermont or the 75 mile limit; or
- Closer to the applicant/participating parent’s place of residence than a program within Vermont or the 75-mile limits.

- E. Case manager: As used in this rule, case manager means a person with that job title or other appropriate person designated by the contracting agency.
- F.. Commissioner: The commissioner of the Department of Prevention, Assistance, Transition, and Health Access.
- G. Contracting Agency: A public or private non-profit or for-profit organization under contract with the Agency of Human Services to administer the PSE program, including but not limited to determination of eligibility, administration of living expense stipends, case management, support services, development and approval of PSE plans, job placement, and data reporting. In the event that there is no contracting agency, the term contracting agency means the commissioner of the Department of Prevention, Assistance, Transition, and Health Access or the commissioner’s designee.
- H. Degree-related job: Any employment related to the occupation specified in the last approved PSE plan

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2400 Introduction to Postsecondary Education Program

2401 Definitions (Continued)

- I. Family: The parent in a single-parent family or both parents in a two-parent family and all minor dependent children residing with and in the custody of the parent or parents.
- J. Field directly related to employment: A field of study in which employers are most likely to seek graduates to fill positions in the occupation specified in the participating parent's PSE plan. Employers in this context refer to entities that employ individuals in this occupation at sites located in the labor market area in which the participating parent plans to seek employment.
- K. Full-time: Forty (40) hours per week or a position requiring no fewer than thirty-five (35) hours of work per week that the employer defines as full-time.
- L. Good Academic Standing: Satisfactory academic progress as determined by the academic policies of the college the participating parent is attending.
- M. Labor Market Area: The geographic area used for this purpose by the Vermont Department of Employment and Training, or the comparable agency in another state if the participating parent intends to seek employment out-of-state.
- N. Making Progress Toward a Degree: An academic record of the participating parent, during the first third of the parent's participation in the program, that demonstrates the likelihood the parent will be able to:
 - (1) Complete satisfactorily the college's general requirements for attainment of a two-year or four-year postsecondary undergraduate degree and the specific requirements for completion of the field of study specified in the PSE plan, and
 - (2) Complete these requirements within the schedule in the PSE plan for completion of the degree, taking into consideration modifications or extensions approved in accordance with 2407.5.

Continuation in the program during the last two-thirds of the parent's schedule of participation shall be contingent upon an academic record that clearly demonstrates the likelihood that the requirements cited above will be met.

- O. Matriculating or Matriculated Student: An applicant who is attending, has been accepted at or has applied to a two-year or four-year postsecondary undergraduate degree program. An applicant who plans to attend the Community College of Vermont (CCV) and provides documentation of completion of the CCV basic skills assessment and no requirement to take basic skills courses or, when this requirement applies, successful completion of these courses; and completion of a financial assistance application shall be considered a matriculated student.

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2400 Introduction to Postsecondary Education Program

2401 Definitions (Continued)

- P. Occupation: A specific job title or cluster of related job titles, as listed in the *Dictionary of Occupational Titles*, the *Occupational Information Network*, the *Occupational Outlook Handbook*, or other relevant employment-related services or publications.
- Q. Parent: A biological parent, stepparent, or adoptive parent, as defined by state law, who has custody of and resides with a dependent child. This term includes individuals who have entered into civil unions. This term does not include pregnant women or caretaker relatives who are not a "parent" within the definition above.
- R. Participating Parent: A parent who is receiving a living expense stipend and/or case management and support services through the PSE program. In a two-parent family, it is the parent who is pursuing postsecondary undergraduate degree.
- S. Participating Family: A family in which one parent is a participating parent.
- T. Postsecondary education (PSE): Courses taken at an approved college by a matriculated or matriculating student in a two-year or four-year postsecondary undergraduate degree program.
- U. Postsecondary education program (PSE program): A state-funded program of living expense stipends, case management, and support services to assist parents in eligible families to obtain two-year or four-year postsecondary undergraduate degrees in fields of study directly related to employment.
- V. Special Status Applicants: Participants in the Reach Up program whose Family Development Plans as of May 14, 2001, include application to the PSE program to commence a postsecondary undergraduate degree program in the fall 2001 academic semester or term.
- W. Transition Student: A parent who meets the special eligibility requirements for the PSE program as detailed in 2405 of these regulations.
- X. Unable-to-work: Not "able-to-work" and not "able-to-work-part-time."

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2402

2400 Introduction to Postsecondary Education Program

2402 Eligibility

2402.1 Initial Eligibility

A. Financial Eligibility

1. Applicants shall demonstrate financial eligibility for the calendar year preceding the date of application.
2. Gross income shall be the basis for determining financial eligibility for the PSE program.
3. Verification of income shall be provided in accordance with the Reach Up program regulations.
4. The family must meet the following income test:
 - a. Two-parent families:

Families of four or fewer members: the family's gross income minus the participating parent's earnings shall not exceed 150 percent of the federal poverty level for a family of four.

 - Families of five or more members: the family's gross income minus the participating parent's earnings shall not exceed 150 percent of the federal poverty level for a family of five.
 - b. Single parent families:
 - Families of three or fewer members: the family's gross income shall not exceed 150 percent of the federal poverty level for a family of three.
 - Families of four or more members: the family's gross income shall not exceed 150 percent of the federal poverty level for a family of four.
5. Gross income shall include any cash payment, earned or unearned, received by a member of the family with the following exceptions:
 - a. Earned income of minor children.
 - b. Payments received for state or federal earned income tax credit.

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2402.1 P.2

2402.1 Initial Eligibility (Continued)

A. Financial Eligibility (Continued)

- c. Student grants, loans, work-study or other student financial assistance received by any family member.
 - d. Payments received for the care of foster children in the custody of SRS and placed by the Department of Social and Rehabilitation Services (SRS).
 - e. The room and board portion of income received by developmental home providers furnishing qualified foster care to individuals placed by the Department of Developmental and Mental Health Services (DDMHS) or by a developmental or mental health services agency under contract with DDMHS.
- 6. Gross income from self-employment shall not include business expenses necessary to produce cash receipts.
 - 7. Child support payments made on a regular basis for a child residing outside the household shall be deducted from gross income.

B. Non-Financial Eligibility

All financially eligible families who apply to participate in the postsecondary education program shall be considered for admission, pursuant to the following conditions:

- 1. The applicant has the literacy skills necessary to participate successfully in the PSE program.
- 2. The applicant has a PSE plan that has been approved by the PSE plan review committee.
- 3. Only one parent per family may participate in the PSE program at the same time.
- 4. In a two-parent family, the non-participating parent shall:
 - a. Be employed full time, if able-to-work;
 - b. Be employed part time, if able-to-work-part-time; or
 - c. Be unable-to-work

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2402.1 P.3

2402.1 Initial Eligibility (Continued)

B.Non-Financial Eligibility (Continued)

5. The applicant does not have a postsecondary undergraduate degree or, if the applicant already has a postsecondary undergraduate degree:
 - a. The occupations for which it prepared the applicant are obsolete, as determined by the commissioner or the commissioner's designee (see 2403.7.B);
 - b. The applicant can no longer perform the occupations for which the degree prepared him or her due to a disability, as determined by the commissioner or the commissioner's designee (see 2403.7.A); or
 - c. The preparation for occupations received by the applicant through the postsecondary undergraduate degree is outdated and not marketable in the current labor market, as determined by the commissioner or the commissioner's designee (see 2403.7.B).
6. The applicant is a matriculating or matriculated student in two-year or four-year postsecondary undergraduate degree program as specified in the applicant's PSE plan.
7. The applicant has been determined eligible for financial assistance from VSAC and can demonstrate the ability to cover tuition costs.
8. The applicant agrees to limit employment to no more than 20 hours per week when school is in session.
 - a. Single-parent applicants who provide specialized foster care, professional parenting or the equivalent to children in the custody of SRS or not in SRS custody but placed in foster care by a licensed child placement agency and who receive additional compensation for those services shall be considered to be employed 20 hours per week. No additional employment shall be permitted when school is in session.
 - b. An applicant from a single or two-parent family who is the contracted developmental home provider for an individual placed by DDMHS or a developmental or mental health services agency under contract with DDMHS shall be considered to be employed for more than 20 hours per week.
9. Participating families who are eligible for Reach Up financial assistance agree to accept the PSE program living expense stipend in lieu of a Reach Up financial assistance grant.
10. The applicant and the applicant's family are Vermont residents.

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2402.1 P.4

2402.1 Initial Eligibility (Continued)

B. Non-Financial Eligibility (Continued)

11. If the applicant already is engaged in a two-year or four-year postsecondary undergraduate degree program at the time of application, the applicant is in good academic standing and a member in good standing.

2402.2 Continuing Eligibility

The contracting agency shall conduct an annual review to determine continuing financial and non-financial eligibility for the PSE program and to determine the amount of the living expense stipend. The annual review shall take place within the ninety-day period prior to the beginning of each academic term that marks an anniversary of the participating parent's participation in the PSE program.

A. Financial Eligibility

1. Participating parents shall demonstrate financial eligibility for the calendar year that precedes the year in which the annual review is being conducted.
2. The requirements for continuing financial eligibility for the PSE program shall be the same as for initial eligibility pursuant to 2402.1. A. 2 - 7.

B. Non-Financial Eligibility

1. The participating parent's PSE plan shall be reviewed and revised, as needed.
2. In a two-parent family, the nonparticipating parent shall:
 - a. Be employed full time, if able-to-work;
 - b. Be employed part time, if able-to-work-part-time; or
 - c. Be unable-to-work
3. The participating parent remains eligible for financial assistance from VSAC, which includes maintaining satisfactory academic standing as defined by the college, and continues to demonstrate the ability to cover tuition costs.
4. The participating parent agrees to limit employment to no more than 20 hours per week when school is in session.

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2402.2 Continuing Eligibility

5. Participating families who are eligible for Reach Up financial assistance shall agree to accept the PSE program living expense stipend in lieu of a Reach Up financial assistance grant.
6. The participating parent and participating family are residents of Vermont.
7. The participating parent is in good academic standing and making progress toward a degree.
8. The participating parent is a member in good standing at the college she or he attends.

C. Amount of Living Expense Stipend

The amount of the participating parent's living expense stipend shall be redetermined pursuant to 2408.

2403 Application

2403.1 General Requirements

- A. Applications and assistance, pursuant to 2410, in completing all parts of the application shall be available at decentralized locations statewide.
- B. Initial entry into the PSE program must begin in the fall or spring academic term, unless the applicant is a matriculated or matriculating student in an approved college that does not operate on a traditional semester basis.

2403.2 Application Periods

- A. The application period for admission to the PSE program shall be between March 1 and May 31 for admission to the PSE program for the fall academic term and September 1 and November 30 for admission to the PSE program for the spring academic term, with the following exceptions:

For special status applicants described in 2406, the initial application period shall be between May 15, 2001 and June 30, 2001.

For all other new applicants applying to the PSE program and planning to attend postsecondary education courses in the fall 2001 academic term, the admission period shall be between July 1, 2001 and July 31, 2001.

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2403.2 Application Periods

For applicants who are matriculated or matriculating students in an approved college that does not operate on a traditional semester basis, the application period shall open one hundred and eighty days and close ninety days prior to the beginning of the term in which the applicant plans to take postsecondary education courses.

- B. In each application period, the number of applications accepted for determination of eligibility shall be no greater than three times the target number of openings in the PSE program. The target number of openings for each application period shall be determined by the commissioner in consultation with the contracting agency.

The application period shall close when the deadline for the application period or target number is reached, whichever happens first. If the target number for a given application period is not reached, the commissioner may extend the application period.

2403.3 Financial Eligibility Application

- A. In order to proceed with the complete application process, an applicant must first be determined to meet the requirements for financial eligibility for the PSE program.
- B. The applicant shall complete a financial eligibility application, including provision of documentation to support a determination of financial eligibility.
- C. Written notice of the decision on the financial eligibility application shall be given to the applicant within 20 days of the date the signed financial eligibility application was received. The notice shall include information on the applicant's appeal rights, and if the financial eligibility application is denied, the reasons for the denial.
- D. Upon determination that an applicant meets the requirements for financial eligibility for the PSE program, the applicant may proceed with the application process as detailed in 2403.4 - 2403.10.

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2403.4

2403.4 Provision of Documentation

All applicants must provide the following documentation as part of the application process:

- A. Documentation of full-time employment of non-participating parent, or if unable-to-work or able-to-work-part-time, of compliance with the requirements of 2403.6 A. or B.
- B. Documentation that applicant is a matriculating or matriculated student in a two-year or four-year postsecondary undergraduate degree program. Applicants who have applied to but have not yet been admitted to a postsecondary undergraduate degree program shall not be eligible for the PSE program until they provide documentation of admission. For applicants who plan to attend CCV, documentation that the applicant has completed the CCV basic skills assessment and is not required to take basic skills courses or, if required to do so, has completed these courses successfully; and has completed a financial assistance application shall be considered documentation of admission.
- C. Documentation that the applicant is in good academic standing and a member in good standing if the applicant is already attending college.
- D. Documentation of eligibility for financial assistance from VSAC and ability to meet tuition costs.
- E. Documentation of Vermont residency.
- F. Documentation to support the determination of the amount of the living expense stipend.

2403.5 Literacy Assessment

- A. As part of the application process, there shall be an assessment of the applicant's basic skills in reading, writing, and mathematics through CCV to evaluate the applicant's ability to participate successfully in the PSE program. Such assessment may be waived when, in the judgment of CCV staff, the applicant's record contains sufficient information, such as a high school transcript, rank in high school class, a GED transcript, responsibilities of jobs held, responsibilities of volunteer work performed, recommendations of teachers or employers, or scores from standardized tests (for example, SAT or ACT) to make this evaluation without the assessment.
- B. If the literacy assessment indicates that the applicant does not have the basic skills necessary to participate successfully in the PSE program, the applicant shall not be eligible for the PSE program. Applicants who do not have the basic skills necessary to participate successfully in the PSE program shall be referred, as appropriate, to Reach Up or VSAC for support for basic skill courses.

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2403.6

2403.6 Requirements for Non-Participating Parents Unable-to-Work

A. Disability

1. All non-participating parents who state they are unable-to-work or able-to-work-part-time because of a disability shall be referred to the Vermont Division of Vocational Rehabilitation (VR) for an assessment of eligibility for VR services and, if determined eligible, shall be required to accept VR services.
2. A non-participating parent who has been determined to be ineligible for VR services and who has not been determined to be disabled by the Social Security Administration or other state or federal program approved by the commissioner or the commissioner's designee, shall be subject to the full-time employment requirement of the PSE program.
3. A non-participating parent who has been determined to be ineligible for VR services and who has been determined to be disabled by the Social Security Administration or other program approved by the commissioner or the commissioner's designee shall not be subject to an employment requirement.
4. An applicant or participating parent shall be ineligible for the PSE program when the non-participating parent is temporarily disabled and VR determines that the non-participating parent is not eligible for VR services because she or he will be able to return to her or his former employment.

B. Domestic Violence

1. When a participating family is experiencing the effects of domestic violence, the non-participating parent may apply for an exemption to or modification of the employment requirement.
2. Domestic violence shall include the following acts if committed by a family or household member as defined in 2225.1: physical acts that resulted in, or threatened to result in, physical injury; sexual abuse; sexual activity involving a dependent child; being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities; threats of, or attempts at, physical or sexual abuse; mental or emotional abuse; or neglect or deprivation of medical care.
3. The commissioner or the commissioner's designee shall make an individualized assessment of the family situation, consistent with 2344.2.B.5, to determine whether an exemption to or modification of the employment requirement shall be granted.
4. Initial exemptions to or modifications of the employment requirement may be granted for a period of up to six months and may be extended for a period of up to six months at a time.

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2403.6 P.2

2403.6 Requirements for Non-Participating Parents Unable-to-Work (Continued)

5. To retain or extend an exemption to or modification of the employment requirement, the non-participating parent must participate constructively in the development of and activities contained in a plan to address the effects of domestic violence. The plan may be developed with the commissioner or the commissioner's designee or be developed with another agency, such as VR, SRS or other public or private service agency and accepted by the commissioner or the commissioner's designee.
6. The non-participating parent shall be required to work part-time if the commissioner or the commissioner's designee determines that the non-participating parent is able-to-work-part-time.

2403.7 Applicants With Pre-Existing PSE Degrees - Exceptions

Applicants are not eligible for the PSE program if they already have a postsecondary undergraduate degree unless they meet one of the following exceptions, as determined by the PSE plan review committee:

- A. If the applicant states that she or he is unable to perform the occupation for which the pre-existing PSE degree prepared her or him because of a disability, the applicant shall submit medical evidence of the disability and evidence of its effect on the applicant's ability to perform the occupation. The PSE plan review committee may request the services of a vocational consultant if it is unable to make a determination based on the documentation provided by the applicant.
- B. If the applicant states that the occupation for which the pre-existing PSE degree prepared her or him is obsolete or that the preparation for the occupation for which the degree prepared her or him is outdated and not marketable in the current labor market, the PSE plan review committee shall make a determination considering, but not limited to, the following factors:
 1. Current licensing requirements for a particular occupation cannot be met by the applicant's previously obtained preparation or degree and those deficiencies cannot be remedied by taking current courses in a non-degree program;
 2. A person currently pursuing the same occupational goal would be required to complete substantially different requirements from those included in the previously obtained degree and those deficiencies cannot be remedied by taking current courses in a non-degree program..

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2403.8

2403.8 Development of PSE Plan

All applicants must develop and submit a PSE plan as set forth in 2407. A decision by the PSE plan review committee shall be made within 30 days of the date on which the applicant submits the completed initial or modified PSE plan for review by the PSE plan review committee.

2403.9 Conditions for Participation in PSE Program

Prior to a final determination regarding eligibility for the PSE program, all applicants shall agree to the following conditions:

- A. Employment by the participating parent shall be limited to 20 hours per week when school is in session, with consideration given to 2402.1.B.8.a and b, if applicable. This limitation on hours of employment shall not apply during vacations, periods between terms or semesters, summer sessions or any other term in which the participating parent is not taking any courses.
- B. Assignment of child support shall be made to the Vermont Office of Child Support if the participating parent will receive a living expense stipend.
- C. The living expense stipend shall be accepted in lieu of Reach Up financial assistance, if the participating parent is eligible for Reach Up financial assistance.
- D. The living expense stipend shall be determined on an annual basis and may not be adjusted because of fluctuations in family income during the course of the year.
- E. Following successful completion of the PSE program, financial assistance through Reach Up to the participating parent and minor dependent children residing with and in the custody of the participating parent shall be limited to 12 months out of the next five years and subject to the other requirements for receipt of Reach Up financial assistance.
- F. During the last year of the degree program, the participating parent shall seek employment using the services of the college's career placement office. If the college has no career placement office, the participating parent shall seek employment using the services of the Department of Employment and Training's local career resource center.

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2403.10

2403.10 Eligibility Determination and Written Notice

- A. A decision on the application shall be made no later than the tenth day of the month prior to the month in which the applicant would begin attending classes in the undergraduate degree program. If a decision is not made by this date through no fault of the applicant, the deadline for the decision shall be extended to permit eligible applicants to begin attending classes.
- B. Written notice of the eligibility determination shall be provided to the applicant.
 - 1. If eligibility is approved, the notice shall include the date on which eligibility for the PSE program will begin, the amount of the living expense stipend and the applicant's appeal rights.
 - 2. If eligibility is denied, the notice shall include the reasons for the denial and information on the applicant's appeal rights.
 - 3. If the applicant meets the eligibility requirements but is denied admission under the priorities stated in 2404, the applicant shall be informed of the next admission period and that her or his application will be kept on file.

2404 Priorities

- A. First priority for admission to the PSE program shall be given to all eligible transition students.
- B. At the point where program funds are insufficient for all otherwise eligible applicants to participate, participation in the program shall be granted to applicants in the following order:
 - 1. Special status applicants.
 - 2. Applicants who have had no postsecondary education: within this category, recipients of Reach Up financial assistance shall receive priority over otherwise financially eligible applicants.
 - 3. Applicants who have some postsecondary education, but have not received their two-year or four-year postsecondary undergraduate degree: within this category, recipients of Reach Up financial assistance shall receive priority over otherwise financially eligible applicants.
 - 4. Other applicants on a first-come, first-served basis based on their initial date of application.

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2405

2405 Transition Students

2405.1 Eligibility

A parent is eligible to become a transition student in the PSE program who:

- A. Attended and received support services for postsecondary education included in the parent's Reach Up Family Development Plan (FDP) and directed toward attainment of an undergraduate degree, i.e. not for try-out or other purposes, during the spring 2001 academic semester, or
- B. Attended and received support services for postsecondary education included in the parent's Reach Up Family Development Plan (FDP) and directed toward attainment of an undergraduate degree, i.e. not for try-out or other purposes, during the fall 2000 academic semester and withdrew from the Reach Up postsecondary program either before or during the spring 2001 academic semester for approved good cause under the Reach Up postsecondary education regulations; and
- C. Meets the financial eligibility requirements of the ANFC program in effect on June 30, 2001; and
- D. Meets the requirements of the Reach Up postsecondary education program in effect on June 30, 2001.

2405.2 Application

- A. Potential transition students shall be notified by April 20, 2001, by their current Reach Up case manager, i.e. the case manager most recently assigned to them during the 2000-2001 academic year, of the following information:
 - 1. The upcoming replacement of the new PSE program for the current Reach Up postsecondary education program;
 - 2. The differences between the PSE program as of July 1, 2001, and the Reach Up PSE program in existence on June 30, 2001; and
 - 3. The procedure for being considered as transition students into the new PSE program as of July 1, 2001.
- B. Potential transition students shall have until May 15, 2001 to submit an application for transition to the new PSE program. All potential transition students shall have the assistance of their current Reach Up case manager in the completion of this application.

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2405.2 P.2

2405 Transition Students

2405.2 Application (Continued)

C. The application for transition shall include the following:

1. Documentation of eligibility for financial assistance benefits from the ANFC program under the rules in effect on June 30, 2001, and
2. A statement signed by the current case manager and approved by the PATH Reach Up supervisor assigned to the case manager's geographic area that the transition student is in compliance with the requirements of the Reach Up postsecondary program under the rules in effect on June 30, 2001.
3. Documentation to support determination of the living expense stipend.

D. Transition students shall be provisionally admitted to the new PSE program that begins on July 1, 2001, under their previously existing Reach Up PSE plan.

2405.3 Conditions for Participation in PSE Program

Prior to a determination regarding eligibility for the new PSE program, all transition students shall agree to the following conditions:

- A. Employment by the participating parent shall be limited to 20 hours per week when school is in session, with consideration given to 2402.1.B.8.a and b, if applicable. This limitation on hours of employment shall not apply during vacations, periods between terms or semesters, summer sessions, or any other term in which the participating parent is not taking any courses.
- B. Assignment of child support shall be made to the Vermont Office of Child Support if the participating parent will receive a living expense stipend.
- C. The living expense stipend shall be accepted in lieu of Reach Up financial assistance, if the participating parent is eligible for Reach Up financial assistance.
- D. The living expense stipend shall be determined on an annual basis and may not be adjusted because of fluctuations in family income during the course of the year.
- E. Following successful completion of the PSE program, financial assistance through Reach Up to the participating parent and minor dependent children residing with and in the custody of the participating parent shall be limited to 12 months out of the next five years and subject to the other requirements for receipt of Reach Up financial assistance.

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2405.3 P.2

2405 Transition Students

2405.3 Conditions for Participation in PSE Program (Continued)

- F. During the last year of the degree program, the participating parent shall seek employment using the services of the college's career placement office. If the college has no career placement office, the participating parent shall seek employment using the services of the Department of Employment and Training's local career resource center.

2405.4 Eligibility Determination and Written Notice

Written notice of decision on the application shall be given to the transition student.

- A. If the application is approved, the notice shall include the date on which eligibility for the PSE program will begin, the amount of the living expense stipend and information on appeal rights.
- B. If the application is denied, the notice shall include the reasons for the denial and information on appeal rights.

2405.5 Revision of Transition Students' PSE Plans

- A. No later than March 1, 2002, case managers shall begin working with transition students to develop and submit for approval PSE plans that comply with the new PSE program's rules. Transition students shall be required to submit their PSE plan for review and approval by the review committee no later than May 15, 2002.
- B. Months prior to July 1, 2001, in which the transition student attended and received support for postsecondary education included in the transition student's Reach Up FDP and directed toward the attainment of an undergraduate degree, shall be counted as part the three years to complete a two-year postsecondary undergraduate degree and the five years to complete a four-year postsecondary undergraduate degree.
- C. Transition students shall be expected to attend summer school in 2002 if necessary to comply with the new PSE program's rules and if appropriate courses are available. Transition students who are scheduled to graduate in the spring 2002 academic semester are exempt from the requirements of 2405.5.

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2406

2406 Special Status Applicants: Reach Up Participants Entering College in Fall 2001

- A. This section applies only to individuals who were participants in the Reach Up program whose Family Development Plans as of May 14, 2001, include application to the PSE program to commence a postsecondary undergraduate degree program in the fall 2001 academic semester or term.
- B. Current Reach Up case managers shall meet with individuals in this group no later than April 20, 2001, to provide information and assistance about:
 - 1. The PSE program;
 - 2. The differences between the Reach Up program as of July 1, 2001, and the PSE program; and
 - 3. The application procedures for the PSE program.
- C. Applicants from this group who decide to apply to the PSE program shall be referred to the contracting agency for assistance in completing their applications beginning on May 15, 2001. If their applications are completed prior to July 1, 2001, they will be reviewed for eligibility prior to those of other applicants.

2407 Postsecondary Education Plan (PSE Plan)

2407.1 PSE Plan Development, Modification, and Review

- A. Each applicant shall develop a PSE plan with assistance, as needed, from staff assigned by the contracting agency. In addition, each applicant or participating parent shall propose modifications to the PSE plan when necessary to respond to a recommendation for modification or to support a requested change as specified in 2407.4
- B. A PSE plan review committee shall be convened to review each PSE plan and each modified PSE plan. The committee shall consist of a core team including the staff person assigned to assist in PSE plan development; the participating parent's case manager, where applicable; the supervisor of the case manager or other staff person or the supervisor's designee; a person with labor market expertise; and a person with broad knowledge of educational opportunities in Vermont colleges. The contracting agency may include others on the committee, depending on the needs of each applicant or participating parent. The applicant or participating parent may participate in the review.
- C. The PSE plan review committee shall make a determination of whether the applicant can achieve entry into the proposed occupation or into a substantially similar occupation by completion of an education and/or training program whose duration is 12 or fewer months. If so, the applicant shall not be eligible for the PSE program.

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2407.1 P.2

2407 Postsecondary Education Plan (PSE Plan)

2407.1 PSE Plan Development, Modification, and Review

- D. The PSE plan review committee shall approve or disapprove of, or make recommendations for modifications to the PSE plan. The applicant or participating parent shall receive a copy of the committee's decision or recommendation. If the PSE plan review committee recommends modification, a revised PSE plan shall be submitted to the PSE plan review committee for consideration. If, within 30 days of receiving the PSE Plan review committee's recommendation for modification, the applicant or participating parent fails to submit a modified PSE plan and fails to appeal the request for modification, the PSE plan shall be deemed disapproved.
- E. If the PSE plan review committee disapprove of or recommends modifications to the PSE plan the applicant or participating parent shall be notified of her or his appeal rights.

2407.2 PSE Plan Requirements

- A. Each applicant or participating parent's PSE plan shall include the following:

1. The name and location of the college at which the applicant or participating is matriculating or matriculated.
2. A statement of the occupational goal that the applicant or participating parent intends to pursue after receiving the postsecondary undergraduate degree and why the applicant or participating parent wishes to pursue this occupation.
3. The labor market area in which the applicant or participating parent plans to seek employment in this occupation.
4. The "field directly related to employment" in which the participating parent or applicant proposes to complete the postsecondary degree and the following supporting information that demonstrates the necessary connection between the parent's employment goal and the field of study:
 - a. Documentation from three or more employers demonstrating the proposed field of study is these employers' preferred postsecondary field of study for the occupation the parent seeks to enter. Each employer documentation shall consist of one of the following: a Department of Employment and Training (or comparable agency in another state) job listing, a job listing from a college placement office, a classified advertisement, information about desired qualifications for a position from an employer's web site, a letter from an employer, or comparable employer-specific documentation. When this documentation is available for at least one but fewer than three employers in the labor market area in which the parent intends to seek employment, the parent may substitute documentation from an employer in any labor

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2407.2 PSE Plan Requirements (Continued)

market area in Vermont or in any labor market area that has boundaries contingent with Vermont's borders.

This documentation requirement shall be waived in the case of a degree program in a field of study that is closely linked to an occupation or "occupation-specific". Examples of such programs include a degree program in dental hygiene when the applicant seeks to become employed as a dental hygienist or a degree program in accounting when an applicant seeks to become employed as an accountant.

- b. With reference to the employers for which documentation is submitted pursuant to "a" above, the job titles for positions in the parent's chosen occupation and the entry-level wage for each position. When documentation of field of study preference in "a" above has been waived, documentation from three sources of the entry-level wage in the chosen occupation remains a requirement.
 - c. The job titles for other occupations that can be pursued with this degree and field of study.
 - d. A description of the career exploration activities the parent has completed to gather this information.
5. A schedule that ensures that the applicant or participating parent will complete the coursework necessary for a two-year postsecondary undergraduate degree within three years and for a four-year postsecondary undergraduate degree within five years or a shorter time period if required by paragraph 6 or 7 below.
- An initial schedule for degree completion may exceed these time frames only when the applicant has provided documentation, to the satisfaction of the contracting agency, that additional time is necessary for completion due to the effects of the applicant's disability. Subsequent modifications to the schedule for degree completion may be made pursuant to 2407.5.
6. A schedule reflecting that, when an applicant has at least 15 credit hours of course credits that can be applied to the degree being pursued, four months for every 15 credit hours of coursework that can be applied to the degree has been deducted from the three-year time period allowed for a two-year postsecondary undergraduate degree or the five-year time period allowed for a four-year postsecondary undergraduate degree.

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2407.2 PSE Plan Requirements (Continued)

7. A schedule reflecting that, when a participating parent who has already obtained a two-year postsecondary undergraduate degree through participation in the PSE program is pursuing a four-year postsecondary undergraduate degree, the time period that was used to obtain the two-year degree has been subtracted from the five-year time period allowed for a four-year degree.
8. The estimated cost per semester or academic term, including tuition and fees that apply to all students, and the financial resources the applicant or participating parent plans to use to pay for these costs.
9. During the last year of the degree program, the parent shall seek employment using the services of the college's career placement office. If the college has no career placement office, the parent shall seek employment using the services of the Department of Employment and Training's local career resource center.

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2407.3 Fields of Study/Majors – Requirements for Exceptions

In compelling circumstances, the PSE plan review committee may consider exceptions to the “field directly related to employment” requirement that a field of study must be one “in which employers are most likely to seek graduates to fill positions” in the stated occupational goal. In order to approve majors in other fields of study, the PSE plan review committee shall require inclusion in the PSE plan of one or more of the following activities whose purpose is to strengthen the link between the chosen field of study and the attainment of the stated occupational goal:

Paid employment, work-study position, practicum, internship, clinical placement, laboratory or field work, some other paid or unpaid work activity or experience that will substantially enhance the applicant’s employability in the occupation specified in the PSE plan.

2407.4 Change in Occupation, Major, Field of Study, Degree or College

The participating parent may apply to change the occupation, major, field of study, postsecondary undergraduate degree, or college specified in the PSE plan, as long as the participating parent can demonstrate the ability to complete the degree within the three-year time limit for a two-year postsecondary undergraduate degree or the five-year time limit for a four-year postsecondary undergraduate degree. If the participating parent proposes a change in occupation, major, field of study, degree, or college the PSE plan review committee shall be reconvened to approve the proposed change.

2407.5 Modifications to the Schedule For Program Completion

Whenever a participating parent does not complete or receives a failing grade for a course, the case manager shall meet with the parent to modify the current course completion schedule to enable the parent to meet the time frames in 2407.2.A.5, 6, or 7.

- A. When such modification cannot be reasonably accomplished, the applicable time frame may be extended for verified good cause reasons that are beyond the participating parent’s control including but not limited to the following:

The need to care for a family member with special needs;
A serious physical or mental health problem of an expected duration of greater than two weeks;
The learning disability of the participating parent;

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2407.5 Modifications to the Schedule For Program Completion (Continued)

The effects of domestic violence;

The death or serious illness or accident of an immediate family member or person residing in the household;

Some other equally disruptive set of circumstances as determined by the case manager and approved by the case manager's supervisor; or

The unavailability of courses essential to the major, field of study or for general requirements of the college in a particular semester.

- B. An applicant pursuing a two-year postsecondary undergraduate degree shall be granted only one additional semester for good cause beyond the applicable time limit.
- C. An applicant pursuing a four-year postsecondary undergraduate degree shall be granted only two additional semesters for good cause beyond the applicable time limit.

2408 Living Expense Stipend

- A. Participating parents determined to be otherwise eligible for financial assistance under the applicable Reach Up regulations for income and resources shall receive a monthly living expense stipend equivalent to the Reach Up financial assistance amount for which she or he would be eligible. The amount of the stipend shall be determined and verified by the Reach Up rules and regulations in effect at the time of application, with the following modifications:
1. The amount of the living expense stipend shall be determined at the time of admission into the PSE program and annually thereafter within the ninety-day period prior to the beginning of each academic term that marks an anniversary of the participating parent's participation in the PSE program.
 2. The maximum living expense stipend for a family with three or fewer members shall be the amount that is equal to the ratably reduced sum of the Reach Up basic needs allowance for a household of three, plus the maximum monthly housing allowance for the county in which they reside.
 3. The maximum living expense stipend allowed for a family with more than three members shall be the amount that is equal to the ratably reduced sum of the Reach Up basic needs allowance for a household of four, plus the maximum housing allowance for the county in which they reside.
 4. Initial living expense stipends shall be effective on the first day of the calendar month in which the participating parent begins attending classes in the degree program, unless the participating parent falls within the exception in 2408.A.5. A family may not receive a living expense stipend and a Reach Up financial assistance payment for the same calendar month.

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2408 Living Expense Stipend (Continued)

5. When a parent in a Reach Up family has been accepted into the PSE program, the PSE program must notify PATH no later than the 10th day of the month before the initial living expense stipend payment so that the Reach Up financial assistance grant may be terminated before the beginning of the month of the initial stipend.

Exception: If the deadline for the decision on an application was extended pursuant to 2403.10.A. and there is insufficient time to terminate Reach Up financial assistance prior to the first day of the month in which the participating parent begins attending classes in the undergraduate degree program, Reach Up financial assistance shall continue for that month in lieu of the living expense stipend. The living expense stipend shall begin in the month following termination of Reach Up financial assistance.

6. Eligibility for the living expense stipend payments ends with the calendar month in which the participating parent begins an interruption in PSE program participation or receives the two-year or four-year degree specified in the PSE plan.

- B. Case managers shall explain to participants who are found eligible for a living expense stipend that the amount of the stipend is fixed and will not fluctuate from month to month. The case manager shall advise participating parents to plan and budget for times when financial support from non-stipend sources may fluctuate.

To address such fluctuations in non-stipend income, case managers shall recommend, as applicable, that parents pursue employment with assistance from DET and the college placement service; apply for assistance such as rental arrearage assistance and adjustments to food stamp benefits from PATH; apply for unemployment insurance benefits from DET; and pursue child support with the assistance of the Office of Child Support.

- C. When the participating family experiences a major loss of income due to the circumstances specified below, the participating parent may apply for a one-time per program year, discretionary payment to address uncovered basic family expenses for a 90-day time period. This is not an adjustment to the living expense stipend.

In a two-parent family, when the non-participating parent dies, becomes permanently unable-to-work due to illness or injury or abandons the family without paying child support.

In a single-parent family, when a non-custodial parent with child support obligations to the participating family dies, becomes permanently unable to work due to illness or injury or fails to pay child support.

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2408 Living Expense Stipend (Continued)

A discretionary payment shall not be disbursed without the approval of the case manager's supervisor. In no case shall the sum of the monthly stipend, other family income without otherwise applicable deductions, and the prorated discretionary payment exceed the maximum stipend amount the family would have received had it had no countable income at its last eligibility determination.

2409 Support Services

- A. Support services, including case management and other services that are directly related to participation in the PSE program, shall be provided within the limits of funds available to all PSE program participants regardless of whether they are financially eligible to receive a living expense stipend.
- B. The following education-related needs may be addressed by support services payments or reimbursements, as specified below:
 - Books
 - Mandatory fees (excluding tuition)
 - Transportation and related costs (for example, car repairs, insurance, registration, title fees, drivers license fees, bus pass or other public transportation)
 - Education-related equipment and supplies
 - Clothing necessary for school program (for example, internships, work study)
 - Relocation costs
 - Temporary housing
- C. Although child care assistance is not considered part of "support services" it may be available to participating parents and shall be determined according to the Vermont Department of Social and Rehabilitation Services child care program regulations. PSE program case managers shall make referrals to the community-based organization that administers the SRS child care program authorizing the number of child care hours needed to support participation in the PSE program.
- D. Requests for support services shall be submitted to the participating parent's case manager. If the request for a support service is denied, the participating parent shall be given written notice of the denial, including the reasons for the denial and information about the participating parent's right to appeal.

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2410 Pre-Participation Services

Prior to the initiation of case management services pursuant to 2411.2.A, assistance shall be available for:

- A. Completion of all aspects of the financial and non-financial application;
- B. Development of the initial PSE plan;
- C. Determination of the amount of the living expense stipend;
- D. Identification of majors or fields of study that are the most closely related to the applicant's occupational goals;
- E. Identification of colleges that offer the most appropriate programs to meet the applicant's occupational goals, taking into consideration family obligations and financial constraints;
- F. Application for financial assistance; and
- G. Coordination with PATH case managers for applicants who are recipients of Reach Up financial assistance.

2411 Case Management

2411.1 General

Case management is the primary connection between participating parents and the PSE program. Case managers shall work closely with participating parents to maximize the likelihood that they will complete the PSE program successfully. Case managers will assist with eligibility determinations, revision and review of PSE plans and career planning. Case managers shall provide other assistance and support, as needed, including counseling or referrals in areas such as academic advice, financial aid, social services, and other state or federal benefit programs.

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2411.2 Availability of Case Management

- A. Case management shall be available to all participating parents in the PSE program from one month prior to the beginning of the academic term in which they will be taking classes until the month of their completion of the postsecondary undergraduate degree specified in their last PSE plan.
- B. Case management shall be available to participating parents on-site at all colleges located in Vermont. Participating parents shall also have access to their case managers through a toll-free telephone line.
- C. Case managers shall meet at least monthly, or more often as needed, with each participating parent to review academic progress, and support services, and generally to assist with PSE program participation. Meeting may be in person or by telephone, as appropriate.

2411.3 Case Management Services

Case management services shall include, but are not limited to:

- A. Assisting with the review and revision of PSE plans;
- B. Serving on the PSE plan review committee;
- C. Assisting participating parents to identify majors or fields of study that are the most closely related to their occupational goals when a change in occupational goal is proposed;
- D. Assisting participating parents to identify colleges that offer the most appropriate programs to meet their occupational goals, taking into consideration family obligations and financial constraints, when a change in occupational goal is proposed;
- E. Assisting with identification of appropriate resources for academic advice and counseling;
- F. Considering and authorizing requests for support services;
- G. Scheduling annual reviews of continuing eligibility for the PSE program;
- H. Considering and determining whether there is “good cause” for interruptions in PSE program participation and whether extensions of time limits for completion of the PSE program should be granted;
- I. Assisting participating parents to obtain and maintain community-based social services;
- J. Referring participating parents to other state and federal benefit programs for which they may be eligible;

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2411.3 Case Management Services (Continued)

- K. Assisting participating parents to apply for financial assistance, including tuition for summer programs available through VSAC;
- L. Providing participating parents with information on and referrals to career placement services;
- M. Maintaining participant records and submitting records as required by the contracting agency;
- N. Attending trainings and meetings, including district PATH meetings to coordinate with Reach Up case managers;
- O. Providing participating parents with written notice of decisions and appeal rights; and
- P. Participating in fair hearings before the Human Services Board, as necessary.

2411.4 Other Services

Other services that may be provided include:

- A. Arranging support groups or informational workshops for participating parents, and
- B. Referring other family members for community-based social services or state and federal benefit programs for which they may be eligible.

2411.5 Interruptions in PSE Program Participation

- A. Limited case management through the PSE program shall be available for participating parents who are taking an approved leave of absence from the PSE program (see 2413). Case management shall be provided on an “as needed” basis during approved leaves of absence. Monthly case management meetings are not required during interruptions in PSE program participation. The focus of case management through the PSE program during approved leaves of absence shall be to assist the participating parent with successful re-entry to the PSE program.
- B. For participating parents who receive financial assistance through Reach Up during an interruption in PSE program participation, primary case management shall be provided by their Reach Up case manager.
- C. Case management through the PSE program shall not be available during unapproved interruptions in PSE program participation except in extraordinary circumstances, as approved by the case manager’s supervisor.

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2411.6 Conflict of Interest

Case managers shall avoid conflicts of interest between the interests of the participating parent and the contracting agency or a college employing the case manager, particularly when assisting participating parents in identifying occupational goals, fields of study and majors most closely related to occupational goals, and colleges offering appropriate programs in those majors or fields of study.

Training provided to case managers shall include instruction on how to identify and avoid conflicts of interest.

2412 Annual Review of Continuing Eligibility and Living Expense Stipend

2412.1 Scheduling Annual Review

The case manager shall schedule an annual review with each participating parent within 90 days prior to the beginning of the academic year or term in which the participating parent will be taking courses.

2412.2 Provision of Documentation

The participating parent shall provide the following documentation as part of the annual review process:

- A. Documentation to support determination of continuing financial eligibility for the PSE program;
- B. Documentation to support redetermination of the living expense stipend;
- C. Documentation of the employment status of the non-participating parent;
- D. Documentation of eligibility for financial assistance from VSAC, which includes maintaining non-probationary academic standing, and ability to meet tuition costs;
- E. Documentation of Vermont residency;
- F. Documentation that the participating parent is making progress toward a degree;
- G. Documentation of good academic standing;
- H. Documentation that the parent is a member in good standing at the college she or he attends, and;
- I. Documentation, if applicable, that employment will be reduced to no more than 20 hours per week when the participating parent is taking one or more courses.

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2412.3

2412.3 Review of PSE Plan

The existing PSE plan shall be reviewed and revised, as needed. If a change in the occupation, major, field of study, postsecondary undergraduate degree or college is proposed, the procedures in 2407.4 shall be followed.

2412.4 Conditions for Continuing Participation in the PSE Program

The participating parent shall agree to the following conditions:

- A. Employment by the participating parent shall be limited to 20 hours per week when school is in session, with consideration given to 2402.1.B.8.a and b, if applicable. This limitation on hours of employment shall not apply during vacations, periods between terms or semesters, summer sessions or any other term in which the participating parent is not taking any courses.
- B. Assignment of child support shall be made to the Vermont Office of Child Support, if the participating parent will receive a living expense stipend.
- C. The living expense stipend shall be accepted in lieu of Reach Up financial assistance, if the participating parent is eligible for Reach Up financial assistance.
- D. The living expense stipend shall be determined on an annual basis and may not be adjusted because of fluctuations in family income during the course of the year.
- E. Following successful completion of the PSE program, financial assistance through Reach Up to the participating parent and minor dependent children residing with and in the custody of the participating parent shall be limited to 12 months out of the next five years and subject to the other requirements for the receipt of Reach Up financial assistance.
- F. During the last year of the degree program, the participating parent shall seek employment using the services of the college's career placement office. If the college has no career placement office, the participating parent shall seek employment using the services of the Department of Employment and Training's local career resource center.

2412.5 Requirements for Non-Participating Parents Unable-to-Work

If the non-participating parent is not employed full time, initial or continued compliance with 2403.6 is required.

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2412.6 Continuing Eligibility Determination and Written Notice

Written notice of the annual review decision shall be provided to the participating parent within 30 days of the annual review meeting. The notice shall inform the participating parent whether she or he continues to be eligible for the PSE program and the amount of the living expense stipend. If the participating parent is no longer eligible for the PSE program or there is a change in the amount of the stipend, the notice will include the reasons for these decisions and information on appeal rights.

2413 Interruptions in Participation in PSE Program

2413.1 Approved Interruptions

- A. A participating parent may request approval to take a leave of absence for no more than one semester from the PSE program for approved good cause as defined in 2407.5.A. Approval of leaves of absence shall be made by the participating parent's case manager. An initial leave of absence may be extended for one additional semester. In no case shall more than two separate or consecutive leaves of absences be approved for a participating parent.
- B. A participating parent wishing to return to the PSE program following an approved leave of absence shall be readmitted for the academic semester that immediately follows the end of the leave of absence upon meeting the applicable financial and non-financial continuing eligibility requirements.
- C. Time taken for approved leaves of absence shall not count against the applicable three or five-year time limits for completion of the participating parent's PSE degree, except for any month during the approved leave of absence for which the participating parent receives a living expense stipend or support services payments. (see 2415.B)

2413.2 Unapproved Interruptions

- A. Absences from the PSE program taken without approved good cause shall be counted against the applicable three or five year time limits for completion of the participating parent's PSE degree.
- B. In no case shall a participating parent who has more than one absence from the PSE program without approved good cause be readmitted to the PSE program.

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2413.3 Financial Support During Interruptions in PSE Program Participation

- A. Families in which the parent's participation in the PSE program is interrupted are not eligible to receive PSE program stipend, support services, or discretionary payments.
- B. Families in which the parent's participation in the PSE program is interrupted may receive Reach Up financial assistance if they meet the eligibility requirements for that program. Reach Up financial assistance received during a leave of absence from the PSE program shall not be counted against the limitations on benefits in 2414.A.

2414 Completion of Postsecondary Program/Reach Up Requirements

- A. For a period of five years beginning with the date of a parent's receipt of a two-year or four-year postsecondary undergraduate degree due to successful completion of this program, the parent and the parent's family, if financially eligible, shall receive no more than 12 cumulative months of Reach Up financial assistance, and the participating parent shall comply with the following conditions:
 - 1. The parent shall engage in a job search at a TANF-countable level for the first four weeks of the family's receipt of a financial assistance grant;
 - 2. Unless employed full time, the parent shall engage in approved work activities at a TANF-countable level during all months following the initial job search that the family receives financial assistance; and
 - 3. Parents who have not been sanctioned since receiving their postsecondary education degree, have not left an unsubsidized degree-related job without good cause since receiving their postsecondary education degree, and have satisfactorily followed through on all referrals to degree-related jobs since receiving their postsecondary education degree shall only have to accept unsubsidized jobs related to their degree during the first three months following receipt of their degree. Parents who have been sanctioned since receiving their postsecondary education degree, have left an unsubsidized degree-related job without good cause since receiving their postsecondary education degree, have not satisfactorily followed through on all referrals to degree-related jobs since receiving their postsecondary education degree, or have not, after receipt of three cumulative months of financial assistance, obtained a job in a field related to their postsecondary degree, shall accept any unsubsidized job that is offered.

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2414 Completion of Postsecondary Program/ Reach Up Requirements (Continued)

- B. The limitation on receiving no more than 12 cumulative months of Reach Up financial assistance established under these regulations shall not apply if, as determined by the commissioner:
1. The parent who received the postsecondary undergraduate degree has not been offered a full-time, unsubsidized job;
 2. All parents in the family have become so severely disabled that they are precluded from being employed;
 3. In the case of a single-parent family, a child in the family has become so severely disabled that the parent is precluded from being employed; or
 4. A catastrophic family event that precludes the parent's employment. The effects of domestic violence on the family may be considered a catastrophic family event under this provision of the PSE program rules.

The criteria under which limitations on receipt of Reach Up financial assistance following completion of PSE program can be waived differ from the criteria for deferments from or modifications to work requirements ~~waivers~~ under the Reach Up program.

2415 Time Limits for Participation in PSE Program

- A. Participating parents in the PSE program shall have three years to complete a two-year postsecondary undergraduate degree and five years to complete a four-year postsecondary undergraduate degree. Three years shall consist of thirty-six cumulative months. Five years shall consist of sixty cumulative months.
- B. Each month in which the participating parent receives a living expense stipend or support services payments shall be counted as part of the three-year or five-year time limit for PSE participation, whether or not the participating parent was taking one or more courses during that month. This shall include any month during an approved interruption pursuant to 2413.1 ~~in~~ for which the participating parent receives a living expense stipend or support service payments.
- C. Each month of absence from the PSE program taken without approved good cause pursuant to 2413.2 shall be counted as part of the three-year or five year-year time limit to complete the postsecondary undergraduate degree, whether or not the participating parent receives a living expense stipend or support service payments during that month.

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2415 Time Limits for Participation in PSE Program (Continued)

- D. Months prior to July 1, 2001, in which a transition student attended and received support for postsecondary education included in the transition student's Reach Up FDP and directed toward the attainment of an undergraduate degree, also shall be counted as part of the three-year or five-year time limit to complete a postsecondary undergraduate degree.

2416 Termination from PSE Program

Participating parents shall receive notice of termination from the PSE program for the following reasons:

A. Annual Review

1. Failure to meet the financial or non-financial eligibility requirements of 2402.2 at the time of annual review pursuant to 2412.
2. Failure, without good cause, to cooperate with a scheduled annual review pursuant to 2412.1.
3. Failure, without good cause, to provide documentation for an annual review pursuant to 2412.2.
4. Failure to agree to the conditions of continuing participation pursuant to 2412.4.

B. On-Going Eligibility

1. Failure to Comply with Residency or Limitation on Employment Requirements
 - a. If at any time the case manager becomes aware that the parent no longer meets the requirements for limitation on employment pursuant to 2402.2.B.4 or for Vermont residency pursuant to 2402.2.B.6, the case manager shall notify the participating parent that the parent has thirty days to cure the non-compliance.
 - b. Within 30 days of the receipt of notice from the case manager, the participating parent shall provide documentation of compliance with the requirements of 2402.2.B.4 or 2402.2.B.6. If documentation of compliance is not provided within 30 days, the participating parent shall receive notice of termination.

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2416 Termination from PSE Program (Continued)

A participating parent may receive extensions of 30 days at a time to comply with 2402.2.B.6 if:

- the reason for change of residency was for a verified good cause reason beyond the participating parent's control, including but not limited to, loss of housing and inability to find housing in Vermont, the effects of domestic violence, or some other equally disruptive set of circumstances as determined by the case manager and approved by the case manager's supervisor, and
 - the participating parent intends to return to Vermont as evidenced by ongoing efforts to find housing in Vermont
2. Failure to make progress toward a degree that cannot be cured by modifications to the schedule for program completion in 2407.5.
 3. Failure to maintain status as a member in good standing of the college.
 4. Failure to cooperate with program requirements (examples include failure without good cause to meet with the case manager within a 60-day period or failure to follow through on modification of the PSE plan when required under 2407.4).
 5. Voluntary withdrawal from the PSE program or from college, unless the participating parent plans to attend a different college and the change in college has been approved pursuant to 2407.4.
 6. De facto withdrawal from the program (an example is a participating parent stops attending classes for at least 60 days and fails to respond to the case manager's efforts meet with him or her).
 7. A determination that an affirmative initial or annual continuing financial eligibility decision was incorrect due to inaccurate or incomplete information regarding the household's income.

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2417 Right to Written Notice and Appeal

- A. Applicants and transition students shall be given written information of their appeal rights at the time of application. Applicants, transition students and participating parents also shall be given written information about their appeal rights each time they receive a written notice of an adverse action or decision. The written notice shall include the reasons for the adverse action or decision, where and how appeals may be initiated, where a person can obtain a copy of the Human Services Board rules, and where to obtain legal representation.
- B. Applicants and participating parents have the right to appeal decisions relating to all aspects of their eligibility for the PSE program, the amount of the living expense stipend, support services, approval of the PSE plan, approval of good cause, and the violations of timelines for these decisions. The right to appeal includes the right to request a fair hearing before the Human Services Board.
- C. A request for fair hearing must be made within 90 days of the date the written notice of the decision being appealed was mailed.
- D. In cases in which a review of eligibility results in a reduction in the living expense stipend or termination of eligibility for the PSE program the contracting agency shall mail notice of the determination to the participating parent at least 15 days before the effective date of the adverse action. The participating parent shall have 5 days from the date the notice is received to submit to the case manager a written request for a review of the determination. The parent's request for review shall include any information the parent wants considered to rebut the reasons for the change given in the notice. No adverse action shall be taken while the review is pending.

An impartial individual from the contracting agency shall review the parent's request and issue notice of the decision within 5 days of receipt of the review request and at least 5 days before the effective date of any adverse action. If a parent does not request a review or the requested review decision remains unfavorable to the parent, the parent may appeal the decision to the human services board.

- E. When an action reducing or terminating a PSE program benefit is appealed, the benefit shall not continue at the prior level pending the outcome of the appeal. Retroactive coverage shall be provided in any case in which the Human Services Board reverses the action that was appealed.

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2418 Americans with Disabilities Act

As required by the Americans with Disabilities Act, the department and the contracting agency shall make reasonable modifications to its policies, practices and procedures when modifications are necessary, as determined by the commissioner, the commissioner's designee or the contracting agency, to avoid discrimination on the basis of disability. An applicant or participating parent may appeal a determination of the commissioner, the commissioner's designee or the contracting agency to the Human Services Board, in accordance with departmental regulations governing appeals.